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THE
HISTORY
AND
PROCEEDINGS
OF THE
LORDS AND COMMONS
OF
GREAT-BRITAIN,
IN PARLIAMENT,
WITH REGARD TO THE
REGENCY:

CONTAINING

A FULL ACCOUNT of all their SPEECHES on the proposed REGENCY BILL, from November 20, 1788, to March 10, 1789, when His MAJESTY'S happy Recovery took place, and put a Stop to all further Proceedings on that Subject.

To which are added,

THE THREE REPORTS OF THE PHYSICIANS;
MR. PITT'S LETTER TO THE PRINCE OF WALES,
WITH HIS ROYAL HIGHNESS'S ANSWER;

THE REGENCY BILL, AS IT PASSED THE HOUSE OF
COMMONS, AND WAS CARRIED TO THE LORDS, AND
THERE READ A SECOND TIME;

AND

THE SPEECHES OF THE LORDS AND COMMONS OF
IRELAND, ON APPOINTING THE PRINCE OF WALES
REGENT WITHOUT RESTRICTIONS; WITH A COPY OF
THEIR ADDRESS, AND THE PRINCE'S ANSWER.

L O N D O N:

PRINTED FOR JOHN STOCKDALE,
OPPOSITE

BURLINGTON-HOUSE, PICCADILLY.

M DCC LXXXIX.



A D V E R T I S E M E N T.

THE proceedings of the Lords and Commons, during the melancholy and critical situation of public affairs, occasioned by the unhappy malady of the Sovereign, and the Debates on a Regency for supplying the deficiency in the executive branch of government, having been highly interesting, not only on account of the very able and remarkable speeches delivered on the occasion, but as also forming an epocha in the history of the politics of this country, equally singular and important, from which posterity may know how to act under similar circumstances. The publisher has presumed to offer an early publication of the whole, together with the Debates in the Irish Parliament, in one volume, in order that the country at large, and the more distant parts of the British Empire, may have the most regular and authentic information on so momentous a subject; and for the purpose of rendering it as compleat as possible, the Publisher has collected together, in two volumes, the several Tracts on the proposed Regency, containing a number of valuable precedents, as well as much useful knowledge to the Statesman and Politician, which may be had either with or without the Proceedings of the Lords and Commons.

10th of March, 1789.

This Day is published, in Two large Volumes, Octavo.

By JOHN STOCKDALE.

A

COLLECTION OF TRACTS

ON THE PROPOSED

R E G E N C Y.

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- I. Considerations on the Establishment of a Regency; with an Appendix, containing Proceedings relative to settling the Form of Government during the Minority of Henry VI. and during the King being disqualified by Infirmities.
- II. Three Letters on the Question of Regency, addressed to the People of England. By Capel Loft, Esq.
- III. A Translation of such Parts of the Rolls of Parliament as are referred to in the schedule annexed to the Report of the Committee appointed to search for Precedents, together with a Copy of certain Acts of the Parliament of Scotland referred to in that Report.
- IV. Parliamentary Opinions of Lord Mansfield, Sir Dudley Ryder, Mr. Charles Yorke, Mr. William Beckford, &c. on the Choice of a Regency, or Regent; with other Discussions on that interesting Question.
- V. Report of the Committee appointed to examine the Physicians who have attended his Majesty during his Illness, touching the State of his Majesty's Health.
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- III. The Speech of the Right Hon. W. W. Grenville, Speaker of the House of Commons, in the Committee on the State of the Nation, Jan. 16, 1789.
- IV. Fox against Fox!!! or Political Blossoms of the Right Hon. Charles James Fox; selected from his Speeches in the House of Commons, on the Omnipotence of Parliament, in the Appointment of the Ministers of the Crown, contrasted with his present Arguments in favour of Prerogative. Shewing how easily a Staunch Whig may become a Professed Tory. To which are added, The Speeches of Mr. Pitt and Mr. Fox, on Wednesday, December 10, 1788, on the Subject of a Regency. Embellished with a curious Frontispiece, adapted to the Occasion, and a Design for the Revolution Pillar at Runemede. With a Postscript, containing an Answer to the Brief Deductions, &c.
- V. Seven Letters to the People of Great Britain. By a Whig.
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- VII. Letters from a Country Gentleman to a Member of Parliament, on the present State of the Nation; with a Letter to the Duke of Portland.
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H O U S E O F C O M M O N S,
O N T H E
S U B J E C T
O F A
R E G E N C Y.

Thursday, November 20, 1788.

THE Chancellor of the Exchequer having taken his seat on the Treasury Bench, the **SPEAKER** rose at the table, and **The Speaker** said, that he believed there was not any new commission issued for the farther prorogation of Parliament, and therefore begged to know, if it was the pleasure of the House that he should take the Chair? The call of “Chair! Chair!” being general, he took his seat in the Chair, and proceeded to state to the House, that in pursuance of the directions of an Act passed in the 24th year of the reign of his present Majesty, &c. authorising him to issue his warrant to the Clerk of the Crown, to make out writs for the election of Members to serve in Parliament, &c. during the recess, he

B

had

had issued his warrants for the election of new Representatives for Clackmannanshire in the room of Colonel Cathcart, deceased, for the Borough of East Grinstead in the room of General James Cunninghame, deceased, for the Borough of Christ Church in Hampshire, in the room of Sir James Harris, who had received the honour of Peerage, and for other representatives for other Boroughs vacated by death. The Attorney, and Solicitor General, Mr. Bearcroft, Lord John Townshend, Penniston Powney, Esq. Gerard Edwards, Esq. Sir Hans Sloane, Bart. Matthew Bloxam, Esq. then proceeded to take the usual oaths at the Table.

As soon as the New Members had been all severally sworn, the
 Mr. Pitt. *Chancellor of the Exchequer* rose in his place, and said, it became his duty to inform them that their having been assembled together without the usual summons and notice, that they were to meet for the dispatch of business upon the Commission for the last prorogation of Parliament expiring, was owing to the contingency of the unfortunate illness with which his Majesty had been severely afflicted, and which had prevented his servants from receiving his commands. That the few authorities that existed, which were at all similar, in their application to the present singular situation of affairs, had been consulted; but as they did not point out the possibility of issuing a new Commission for the farther prorogation of Parliament, nor enable them to open the Sessions in the usual form, nor indeed in any way at all regular, he trusted that every Gentleman would agree with him, that under the present circumstances it would be highly improper for the House to proceed to the discussion of any public business whatever, and that it was absolutely necessary for them to adjourn. He meant, therefore, before he sat down, to submit to their consideration a motion for the adjournment of the House at its rising to that day fortnight. One more point, and one more point only, he said, he had to submit to them before he offered the Motion of Adjournment, which was, that if his Majesty's illness should unfortunately continue, contrary to the wishes and prayers of his people, longer than the proposed period of a fortnight's adjournment, as it would be indispensibly necessary for that House to take into their immediate consideration what measures were proper to be adopted, in order,

as far as they were competent, to endeavour to guard against the dangers that might arise from the not being able to open the Session in the usual form, so it would be equally incumbent on them to ensure as full an attendance as he then saw, in order to give the proceeding, whatever it might be, all the weight and solemnity in their power, to contribute towards supplying the deficiency of the Royal Proclamation; he, therefore, submitted to the consideration of the House the propriety of a Motion, which, with their consent, he should offer for a Call of the House on that day fortnight, and that the Call might be rendered as effectual as possible, he said, he should accompany it with another Motion, directing the Speaker to write circular letters in the most serious and solemn manner, requiring the attendance of every Member on that day fortnight.

The House signifying their approbation by their silence, the *Chancellor of the Exchequer* moved,

I. "That the House at its rising adjourn to that day fortnight."

II. "That the House be called over on Thursday the 4th of December next.

III. "That the Speaker be directed to send circular letters requiring the attendance of every Member on that day. And

IV. "That the House do now adjourn.

The House agreed to the three first-stated motions *nemine contradicente*, and upon the Question being put, adjourned to that day fortnight.

Thursday, December 4.

As soon as the Speaker had taken the Chair, The *Chancellor of Mr. Pitt. the Exchequer* rose and after prefacing his presenting a Copy of the Minute of the examinations of Dr. Warren, Sir George Baker, Sir Lucas Pepys, Dr. Reynolds, and Dr. Addington, on Oath before the Board of Privy Council, relative to the State of the King's health, the probability of his recovery, and the duration of his Indisposition, with a Speech similar in substance to that of

the Lord President in the House of Lords, was ordered to lay the Minute on the Table,

The same was read by Mr. Hatfell, and upon Motion was ordered to lie on the Table.

The *Chancellor of the Exchequer* then moved, "That the said Minute be taken into consideration on Monday next."

Mr. Vyner. Mr. *Vyner* felt himself unwilling to say a word on the subject, but declared, he could not help confessing that he entertained some doubt, whether a Minute of an examination before the Board of Privy Council, though taken on oath, was a sufficient ground for a Parliamentary proceeding.

Mr. Pitt. The *Chancellor of the Exchequer* said, that it would be time enough to discuss any such doubt on Monday.

Mr. Fox. Mr. *Fox* agreed with the *Chancellor of the Exchequer*, but acknowledged that he was glad the Hon. Member had mentioned his doubt, as a similar doubt had occurred to him; in fact, before he came down to the House he had not made up his mind upon the subject, although he was free to confess, that the Minute that had been read, appeared to him to be sufficiently satisfactory.

The Question being put, it was agreed to *nemine contradicente*.

Mr. Pitt. The *Chancellor of the Exchequer* next moved, that the Call of the House, which stood as the Order of the Day, he adjourned to that day se'nnight, which was agreed to.

The House then adjourned to Monday next.

Monday, December 8.

Mr. Pitt. The *Chancellor of the Exchequer* entered the House about four o'clock, and as soon as he had taken his seat, rose to submit a few words to the consideration of the House previous to their entering upon the discussion of the Order of the Day. On Thursday last, when the Motion had been made, "that the Minute of the Examination of the Physicians who had attended his Majesty during his illness, (as delivered upon oath before the Lords of the Council) be that day taken into consideration," it had been intimated that some Gentlemen entertained doubts, whether that would be
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the proper way to found a Parliamentary Proceeding? and he had at the time hinted an idea, that the Examination having been taken on oath would be sufficient, but as he had spoken on the impulse of the Moment, and was exceedingly desirous that the mode of proceeding should be perfectly satisfactory to the House in general, he wished to know if it was the sense of any number of Gentlemen, that a particular enquiry before a Committee of their own House would be a more regular way of proceeding, and whether the communication already made from the Privy Council of their Minutes, was not deemed fully sufficient. He had farther to state to the House, that since their last Meeting, two more Physicians had been called in to attend his Majesty, one of whom was peculiarly skilled in the treatment of Cases, similar to that under which his Majesty unfortunately laboured. These additional Physicians had also been examined before the Privy Council, but possibly their having been called in, might by some Gentlemen be considered as another, and a cogent reason for appointing a Committee of the House to examine the Physicians; he had, therefore, thought it his duty to throw out these suggestions, that the House might signify their sense upon them; and also, if any Gentleman, or any number of Gentlemen, should be of opinion that it would be more satisfactory to appoint a Committee, whether by an Instruction to the said Committee, they might not be empowered to search for Precedents, as well as to examine the Physicians, since on such occasions as the present, it would certainly be expedient to proceed with all the dispatch necessary, that could be consistent with the seriousness and solemnity of the subject under their consideration. The Chancellor of the Exchequer concluded with moving, "That the Order of the Day be read."

This having been complied with,

Mr. *Vyner* said, what had fallen from the Right Hon. Gentleman struck him as rather extraordinary. The Right Hon. Gentleman talked of collecting the sense of the House, he wished to be informed how the Right Hon. Gentleman could collect the sense of the House without some motion for the purpose?

The *Chancellor of the Exchequer* justified his former suggestions, Mr. Pitt, and said he had merely thrown them out for the consideration of the House, and, therefore, did not think it at all extraordinary to

do it in the mode that he had adopted. He perfectly well knew, that there was not any way of collecting the sense of the House fully and formally, but by a Motion; but what he endeavoured to find out was merely, whether it was the general opinion, or the opinion of any number of Gentlemen, that it would be desirable to have an examination of the Physicians, who had attended his Majesty, before a Committee; from the silence, he had collected that it would be more satisfactory to proceed in that way; and, indeed, the circumstance of two more Physicians having been called in, appeared to him to amount to a strong reason for proceeding in that way. Unless, therefore, he heard some objection to that idea, he would take the liberty of moving, “ That a Committee
 “ be appointed to examine the Physicians who have attended his
 “ Majesty, touching the state of his health, and report such ex-
 “ amination to the House.”

Mr. Powys. Mr. *Powys* said, the appointment of such a Committee appeared to him to be the only way by which the House could obtain proper intelligence for them to proceed upon, and he was glad that it came recommended by such high authority; but he entertained his doubts, whether the House could go farther on that day, than agreeing to the appointment of a Committee. He explained himself to mean, that it had better be a joint Committee of the two Houses, not only to make the proceeding the conjoint act of both, but as he had found from the examination of precedents of former proceedings of an analogous nature, that the deficiency of the evidence given before a Committee of that House singly (who could not administer an oath) was cured by the witnesses to be examined before a Joint Committee, being all sworn at the Bar of the House of Lords.

Mr. Pitt. The *Chancellor of the Exchequer* said, he believed the mode of proceeding suggested by the Hon. Gentleman had been adopted, but that it had been for a long time abandoned, and he doubted whether it would not be advisable in the present instance to avoid recurring to it, as it might possibly cause either much difficulty or delay, each of which he conceived every gentleman must wish should not be incurred. He would proceed to state why he was of opinion, that the mode of proceeding suggested by the Hon. Gentleman might lead to difficulty or delay: he knew the instance the
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Hon. Gentleman referred to, but he did not believe there were four instances on the Journals; and the mode of constituting a Joint Committee, as those instances proved, had been to appoint double the number of Members of that House, in proportion to the number of Peers appointed Members of the Committee by the House of Lords; he much doubted whether the House of Lords would consent to the appointment of a Committee so constituted, and therefore as it must be extremely desirable that no difference should arise between the two Houses, he thought it more prudent to appoint a Committee of their own, and act upon their Report.

Mr. *Burke* said, he rose not to controvert any one point in the *Mr. Burke's* Right Hon. Gentleman's argument, nor even to excite a doubt upon any thing he had said, but merely to enter his protest, which he must ever do, on any occasion, against what the Right Hon. Gentleman had stated on a former day, and just hinted at that day, though indeed he had not much rested on it, viz. The inefficacy of an Examination before that House, because they had not the power to administer an Oath to Witnesses. Mr. *Burke* said, he never would suffer that to be made an argument against the House's proceeding in its inquisitorial capacity, without resisting so dangerous a doctrine. Maimed and imperfect, cramped and limited as the House might be in some particulars, he conjured them to preserve all their capacities, and most especially was it necessary for them to hold their capacities sacred, and maintain them with firmness, in situations of extreme delicacy and importance, and such he considered the present to be. He reminded them that in questions of the highest judicial importance, affecting considerations of the first magnitude, the House had never satisfied itself but on the examination of witnesses at their own Bar, or, what he considered as the same thing, before a Committee of their own Members, appointed by the House, and acting as their representative. He stated the case of a Divorce Bill, which, as they well knew, always originated in the Spiritual Court in Doctors Commons, where all the proceedings were upon oath; it next travelled to Westminster Hall, where the witnesses also delivered their evidence upon oath, and they were afterwards heard at the Bar of the House of Lords upon oath likewise; and after that triple knot of evidence legally given, it was customary, when the Bill came

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down to that House, for the House to disregard all that had passed, and to ground their proceedings with regard to the Bill on the evidence of the witnesses examined at their own Bar, according to their own forms. The more arduous, delicate and difficult the business that came before the House was, the more tenacious they ought to be of their privileges and capacities; and in order to enforce that it was that he had risen, not to object to any of the principles or inferences of the Right Hon. Gentleman, but merely to question one of his premises, which in his mind called for observation.

The *Chancellor of the Exchequer* moved the Question, that a Committee be appointed, and that the Committee consist of 21 Members.

This being agreed to, he next proceeded to name the Committee. The following are the names of the Members appointed of the Committee.

The Chancellor of the Exchequer.

Lord North,	R. B. Sheridan, Esq;
Right Hon. W. W. Grenville,	William Hussey, Esq;
Right Hon. C. J. Fox,	Lord Advocate of Scotland,
The Master of the Rolls,	Marquis of Graham,
Right Hon. F. Montague,	Lord Belgrave,
Attorney General,	Sir Grey Cooper,
Robert Vyner, Esq;	William Wilberforce, Esq;
Right Hon. Henry Dundas,	Right Hon. W. Wyndham,
Thomas Powys, Esq;	Philip Yorke, Esq;
Solicitor General,	Earl Gower.

Mr. Pitt. The *Chancellor of the Exchequer* submitted it to the House whether it was necessary to appoint a separate Committee to search for, examine, and report precedents, and so have two Committees; or whether it might not be moved as an Instruction to the Committee of twenty-one, to search for, examine, and report precedents?

Mr. Montague. Mr. *Frederick Montague* said, if the Right Hon. Gentleman did not object, he should think it more regular to appoint a separate Committee to search for precedents, but to wait before the House took that step for the Report of the first Committee. To proceed in that way could cause but very little delay, and to appoint the Committee

Committee to search for precedents previous to the receiving the Report of the Committee appointed to examine his Majesty's Physicians, would look like proceeding to the second step before the first was completed.

Upon this suggestion the *Chancellor of the Exchequer* waved his first proposition.

The usual Orders were then made, viz.

“ That the Committee have power to send for Physicians.

“ That the Committee do meet, notwithstanding the adjournment of the House.

“ That five or more be a quorum.

“ That no Member, except those of the Committee, be present.

“ That the Committee do sit immediately in the Speaker's Chamber.”

Wednesday, Dec. 10.

The *Chancellor of the Exchequer* appearing at the Bar with the Mr. Pitt's Report of the Committee, “ appointed to examine the Physicians who have attended his Majesty, touching the state of his health, and report such Examination to the House,” was ordered to bring it up, and laid it on the table accordingly.

The Report was read, and consisted of the several Examinations of Dr. Warren, Sir George Baker, the Rev. Dr. Willis, Dr. Gifford, Dr. Addington, Sir Lucas Pepys, and Dr. Reynolds, who respectively declare the King at present incapable of meeting his Parliament, or attending to public business, but express their hopes of his recovery, and ground their opinion of its probability on their experience, which has taught them that the majority of patients afflicted with the same disorder have recovered, although they cannot pronounce when the precise point of time will arrive at which his Majesty will be well.

As soon as the Examinations had been gone through, they were upon motion ordered to lie on the table.

Mr. Rolle then said, he hoped the Examinations that had been just read might be printed; that the eyes of the whole nation were fixed on their proceedings, and anxious to know the true state of his Majesty's health; that if the authentic Report of the Committee appointed

appointed to examine the Physicians was not printed, imperfect and mutilated accounts might be circulated, that might wound the feelings of the public; whereas there were opinions contained in the Report which held out hopes that could not fail, if given truly to the public, to dispel the gloom which had hung over the nation for some weeks past.

Upon a cry of *Move! Move!*

Mr. Rolle. Mr. *Rolle* rose again and moved,

“That a sufficient number of copies be printed for the use of the Members.”

Mr. Powys. Mr. *Powys* said, if the Report was to be printed, he conceived time would be allowed for it to be circulated round the country, before the House proceeded to take any one step grounded on the information contained in the Examinations of his Majesty's Physicians.

Mr. Pitt. The *Chancellor of the Exchequer* said, essential as the printing of the Report would be to the satisfaction of the public, and unwilling as he was to deny them that satisfaction, he must, however reluctantly, object even to the Motion for printing it, if the passing of such a vote was to be made the ground of argument for any further delay of a Motion, of which he had given notice last Monday, for the appointment of a Committee to examine and search for Precedents, a Motion which a due regard to the public interests rendered necessary to be come to with all possible dispatch, and which, as soon as the present question was disposed of, he should submit to the House.

The Speaker then put the question, which was carried.

Mr. Pitt. The *Chancellor of the Exchequer* rose again, and observed, that the paper from the Privy Council, before laid upon the table, as well as the more regular examinations that had been that day read, gave the House sufficient information, both with regard to the melancholy subject which had occasioned them to assemble, and the opinions of the Physicians, that afforded them reasonable ground to hope that a happier moment would arrive than the present, though they had not been able to declare the precise point of time of its arrival: gratified, however, as they might be in that hope and expectation, yet the uncertainty with which their completion might be protracted, rendered it their indispensable duty

uty to proceed, notwithstanding their regret for the occasion, with every degree of dispatch, and in the most respectful manner to take those intermediate steps, which the unfortunate exigency of the moment required, in order to provide for the present serious situation of affairs, with a view to guard the liberties of the people from danger, and secure the safety of the country; that his Majesty might have the gratification of knowing, when the happy moment of his recovery should arrive, that the people whom he had loved and protected, had suffered as little as possible by his illness. The point to be agitated on this occasion, Mr. Pitt observed, involved in it whatever was dear to the Interests of the Country; it involved in it whatever was valuable to the People, whatever was important in the fundamental principles of our free Constitution. The steps to be taken as preliminaries, therefore, to the discussion of this truly interesting subject, were such as he could not conceive could create any difference of opinion. That the House should have the advantage of the wisdom of their ancestors to guide their proceedings, and act upon the fullest information, he should move for the appointment of a Committee to examine into, search for, and report Precedents; from which Report they would be enabled to see what had been the steps taken in former moments of difficulty and danger, whence they might proceed with the greater security in providing for the present unfortunate and melancholy circumstances of the country. After decanting to some extent upon the necessity of this mode of proceeding, the Chancellor of the Exchequer said, he would not detain the House by enlarging upon it any longer; but as, on the one hand, it would serve to throw all the light upon the subject that precedent and history could afford; so, on the other, as he conceived the Report of such a Committee as he had mentioned might be made in the course of the present week, it could very little contribute to retard the dispatch that was so desirable, and must prove of no material inconvenience. With a view, therefore, to give their proceedings every necessary solemnity, and regulate them by every possible degree of caution, he should take the liberty of moving,

“ That a Committee be appointed to examine and report Precedents of such proceedings as may have been had, in case of
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“ the personal exercise of the Royal Authority being prevented or
 “ interrupted by infancy, sickness, infirmity, or otherwise, with
 “ a view to provide for the same.”

Mr. Fox.

Mr. Fox said, he had the good fortune to agree with the Right Hon. Gentleman in most part of his speech; undoubtedly it was their duty to lose no time in proceeding to provide some measure for the exigency of the present moment, but that exigency was so pressing in point of time, that he for one, would willingly dispense with the motion then made. If the motion were carried, it must be considered, that it was loss of time; what were they going to search for? Not Precedents upon their Journals, not Parliamentary Precedents, but Precedents in the History of England. He would be bold to say, nay they all knew, that the doing so would be a loss of time, for that there existed no precedent whatever, that could bear upon the present case. The circumstance to be provided for, did not depend upon their deliberations as a House of Parliament, it rested elsewhere. There was then a person in the kingdom different from any other person that any existing Precedents could refer to. *An HEIR APPARENT of full age and capacity to exercise the royal power.* It behoved them therefore to waste not a moment unnecessarily, but to proceed with all becoming speed and all becoming diligence to restore the Sovereign power and the exercise of the Royal Authority. When the unfortunate situation of his Majesty was first made known to that House, by a presentation of the minute of the Privy Council, some Gentlemen had expressed a doubt whether the House could make such a paper a ground of Parliamentary proceeding. Mr. Fox reminded the House that he had gone farther, and declared, that he thought the Report of the Privy Council was not an authentic document, nor such as that House could make the ground of its proceedings. That defect had now been remedied, and the House was, in consequence of the regular examination his Majesty's physicians had undergone before a Committee of their own, in possession of the true state of the King's health. That being known to the House, and through them to the nation at large, he contended that it was then and then only the precise point of time for the House to decide, and that a moment ought not to be lost. In his firm opinion, *His Royal Highness the Prince of WALES had as clear, as express a RIGHT to assume*
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be reins of government, and exercise the power of sovereignty, during the continuance of the illness and incapacity, with which it had pleased God to afflict his Majesty, as in the case of his Majesty's having undergone a natural and perfect demise. Mr. Fox said, he thought it candid, entertaining this opinion, to come forward fairly, and avow it at that instant. With this opinion, as short a time as possible ought to intervene between the Prince of Wales's assuming the Sovereignty and the present moment. He justified the Prince's not making this his undoubted claim himself, to his having been bred in those principles which had placed his illustrious House on the Throne, and to his known reverence and regard for those principles as the true fundamentals of our glorious Constitution, in the maintenance of which his family had flourished with so much prosperity and happiness as Sovereigns of the British empire. Hence it was, that his Royal Highness chose rather to wait the decision of Parliament, with a patient and due deference to the Constitution, than urge a claim that, he trusted, a majority of that House and of the people at large admitted, and which he was persuaded, could not be reasonably disputed. But ought he to wait unnecessarily? Ought his Royal Highness to wait while Precedents were searched for, when it was known that none that bore upon the case, which so nearly concerned him, existed? Take it for granted, the House agreed to the Motion, and proceeded by their Committee to search for Precedents. What Precedents did the wording of the Motion point to? It spoke in general and indefinite language. Possibly it might mean Parliamentary Precedents, referring to such contingencies as the present. If that were its meaning, such words as "Parliamentary Precedents," ought to have been expressed in it. After urging these remarks closely, Mr. Fox said, he should not oppose the Motion, but he thought it his duty to say, that it was incumbent on the House to lose no time in restoring the third Estate. His Royal Highness, he was convinced, must exercise the Royal Prerogative during, and only during, his Majesty's illness.—With regard to the examination of the Physicians, he would not take up the time of the House with commenting on the particular answers and opinions of each. However the Physicians might have delivered opinions, that might in the minds of some men impress one turn of ideas, and in the minds of others a very different turn of ideas,

three points were, he thought, undeniable inferences from the whole of their examinations, in which he had assisted above stairs. These three points formed the result, and must be the *substratum* on which that House must necessarily raise the superstructure, whatever it might be, that they should deem it expedient to erect. He took the three points to be these:

1. That his Majesty was incapable of meeting his Parliament or proceeding to business.

2. That there was a great prospect and a strong probability of his recovery.

3. But that with respect to the point of time, when that recovery would take place, they were left in absolute doubt and uncertainty.

Mr. Fox said, he hoped the Members of that House would agree with him, that these three points formed the true, fair, uncoloured result of the examination of his Majesty's Physicians. He recapitulated the general Heads of his Speech in his usual manner, and after repeating his willingness to accede to every proposition that was consistent with the due solemnity of their proceeding upon so serious an occasion, and declaring that he did not impute any desire to create delay, or unnecessarily avoid dispatch, to the Right Hon. Gentleman who spoke last, Mr. Fox said, he certainly would not resist the Motion, although he had thought it incumbent on him to give his opinion on the subject freely and unreservedly.

Mr. Pitt.

The *Chancellor of the Exchequer* said, that he would not then enter into debate, when the Motion before the House had not been objected to, but that the Right Hon. Gentleman had thrown out an idea which, whatever he might have generally thought of him, as to his penetration and discernment, as to his acquaintance with the Laws and general History of the Country, and as to his knowledge of the Theory of the Constitution (however he might repeatedly have found occasion to differ with him in respect to his measures and opinions in his Practice under it) he defied all his ingenuity to support upon any analogy of Constitutional Precedent, or to reconcile to the spirit and genius of the Constitution itself. The doctrine advanced by the Right Hon. Gentleman was itself, if any additional reason were necessary, the strongest and most unanswerable for appointing the Committee he had moved for, that

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could possibly be given.—If a claim of right was intimated (even though not formally) on the part of the Prince of Wales, to assume the Government, it became of the utmost consequence to ascertain from Precedent and History, whether this claim were founded, which if it was, precluded the House from the possibility of all deliberation on the subject. In the mean time, he maintained, that it would appear from every Precedent and from every page of our History, that to assert such a right in the Prince of Wales, or any one else, *independent of the decision* of the Two Houses of Parliament was little less than T R E A S O N *to the Constitution of the Country*. He said, he did not mean then to enter into the discussion of that great and important point, a fit occasion for discussing it would soon afford both the Right Hon. Gentleman and himself an ample opportunity of stating their sentiments upon it. In the mean time he pledged himself to this assertion, that in the case of the interruption of the personal exercise of the Royal Authority, without any previous lawful provision having been made for carrying on the Government, it belonged to the other branches of the legislature, on the part of the nation at large (the body they represented) to provide according to their discretion for the temporary exercise of the Royal Authority, in the name and on the behalf of the Sovereign, in such manner as they should think requisite; and that, unless by their decision, the Prince of Wales had no right (speaking of strict right) to assume the Government, more than any other individual subject of the country. What Parliament ought to determine on that subject was a question of discretion. However strong the arguments might be on that ground, in favour of the Prince of Wales (which he would not enter into at present) it did not affect the Question of Right, neither the whole nor any part of the Royal Authority could belong to him in the present circumstances, unless conferred by the Houses of Parliament.

The Chancellor of the Exchequer took notice of Mr. Fox's repeated enforcement of the Prince of Wales's claim, and admitted that it was a claim entitled to most serious consideration; and thence argued, that it was the more necessary to learn how the House had acted in cases of similar exigency, and what had been the deliberate opinion of Parliament on such occasions. He would not allow that no precedent analogous to an interruption of the
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personal exercise of the Royal Authority, could be found, although there might possibly not exist a Precedent of an Heir Apparent in a state of majority, during such an occurrence, and in that case he contended, that it devolved on the remaining branches of the Legislature, on the part of the people of England, to exercise their discretion in providing a substitute. From the mode in which the Right Hon. Gentleman had treated the subject, the Chancellor of the Exchequer observed, that a new question presented itself, and that of greater magnitude even than the question which was originally before them, as matter of necessary deliberation. The question now was the question of their own rights, and it was become a doubt, according to the Right Hon. Gentleman's opinion, whether that House had, on this important occasion, a deliberative power. He wished, for the present, to wave the discussion of that momentous consideration; but he declared that he would, at a fit opportunity, state his reasons for advising what step Parliament ought to take in the present critical situation of the country, contenting himself with giving his contradiction of the Right Hon. Gentleman's bold assertion, and pledging himself to maintain the opposite of a doctrine so irreconcilable to the spirit and genius of the Constitution. If the Report of the Committee had not proved the necessity of the Motion he had made, the Right Hon. Gentleman had furnished the House with so strong an argument for enquiry, that if any doubt had existed, that doubt must vanish. Let it not then be imputed to him that he offered the Motion with a view to create delay; indeed the Right Hon. Gentleman had not made any such imputation. In fact, no imputation of that sort could be supported, since no longer time had been spent after the day of their first meeting, than was absolutely necessary to ensure as full an attendance as the solemnity and seriousness of the occasion required; since that time every day had been spent in ascertaining the state of his Majesty's health, and now the necessity of the case was proved, it behoved them to meet it on the surest grounds. Let them proceed therefore to learn and to ascertain their own rights; let every man in that House, and every man in the nation, who might hear any report of what had passed in the House that day, consider, that on their future proceedings depended their own interests, and the interest and honour of a Sovereign

vereign, deservedly the idol of his people. Let the House not, therefore, rashly annihilate and annul the authority of Parliament, in which the existence of the Constitution was so intimately involved.

Mr. Fox rose to explain. He said, the Right Hon. Gentleman Mr. Fox. had used what was with him an equivocal word, on the meaning and application of which depended the whole force of his argument. The Right Hon. Gentleman had talked of the *Parliament*. If he meant a Parliament, consisting of King, Lords, and Commons, he was very ready to admit, that a Parliament of that Constitution being full and complete, had it in its option and power to alter the succession to the Throne, or in any other way change the existing laws and constitution. He was the last man to stand up in that House the advocate of indefeasible right, right *jure divina*, or to maintain any doctrine of so absurd and monstrous a nature; but speaking of the two Houses alone, and without the King, it was not treason to say, that the two Houses could not make law, nay, it was expressly declared high treason by the statutes of the realm for them to attempt it. Were he therefore either to deny that a Parliament constituted of the three estates, the King, Lords, and Commons, could make laws, or to assert that the two Houses without the King, could of themselves make laws, his Majesty's Attorney General would warrantably prosecute him for treason, and he should incur all the dangers of a premunire. But he would say again boldly, and without treason, that the two Houses could not assume the functions of a Parliament. If that were treasonable language, he must repeat and would abide by it. The Right Hon. Gentleman had talked of Parliament, he (Mr. Fox) knew not of any that there were then. The two Houses had formed themselves on suitable occasions, as they well knew, into *Conventions*, and those Conventions had acted usefully, and gloriously for the country, but they had not dared to call themselves a *Parliament*; those who sat in them, knew the Constitution better, and had too sincere a wish for its being preserved in all its purity. He declared he held it to be a clear point, that they were not at that time a perfect Parliament. Whether there might be some in that House, who had a wish to nominate, appoint, and, perhaps, to limit a Regent in the exercise of the Sovereign

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vereign Authority, he could not say; perhaps they might be driven by a declaration of that House, to the necessity of an election of a person to exercise the Royal Prerogative; he had ever heard that the Crown was *hereditary* and not *elective*, and that because it was thought best for the happiness and freedom of the People. He had heard indeed of some old bigotted persons, who formerly contended for indefeasible right, and right divine, which no earthly power could annul, but all that abominable and pernicious doctrine had long since been reprobated and exploded. The Crown was declared hereditary by known laws, grounded on other and on wiser principles; and did not those laws that made the Crown hereditary, make the executive government of the country hereditary likewise? He would maintain the treasonable words he had been charged with, that during his Majesty's illness, and only during his incapacity to discharge the duties of the high office his Majesty was invested with, his Royal Highness the Prince of Wales had an undoubted claim to exercise the Sovereign Authority in the name and on the behalf of his Royal Father. It was the duty of the two Houses to restore the Royal Authority, and that immediately; and he denied the Right Hon. Gentleman, acute as he was, to contradict that assertion; but, if the two Houses of Parliament took advantage of the present calamitous state of the country, to arrogate to themselves a power to which they had no right, they acted contrary to the spirit of the Constitution, and would be guilty of Treason.

Mr. Pitt.

The *Chancellor of the Exchequer* said, he did not rise to reply, nor to use any equivocal language. He desired to be understood, that it might be known what the point was, upon which the Right Hon. Gentleman and he were at issue. He asserted that to make a provision for the exercise of the executive power of the Government, during an interruption of the personal exercise of the Royal Authority, by sickness, infirmity, or otherwise, did rest with the remaining existing branches of the Legislature. It was a matter entirely in their discretion; what that discretion was, he should not then discuss, but should only say, if the Right Hon. Gentleman's doctrine was what he understood it to be, namely, that the two Houses had no such discretion, but that his Royal Highness had a claim to the exercise of the Sovereign Power, which superceded

ceded the right of either House to deliberate on the subject, there was an essential difference between their respective arguments, and that difference constituted the point upon which they were at issue.

Mr. *Burke* declared, that the style and manner in which the Mr. Burke, Right Hon. Gentleman had debated the question, had perfectly astonished him; if ever there was a question that peculiarly called for temper and moderation in the style and manner of its being debated, it was that to which the present argument referred; not an affliction of bodily infirmity, not an illness affecting the meanest and most perishable part of the human frame, but when the most low and humiliating of all human calamities had fallen upon the highest situation. In that moment, when it peculiarly behoved every one of them to keep himself cool, and preserve the little share of reason with which God had blessed him, the Right Hon. Gentleman had burst into a flame; he had fallen out into a fury, and, with a degree of unpardonable violence, accused others of treason, because they had ventured to mention the rights of any part of the Royal Family. The Right Hon. Gentleman, in such a case, Mr. Burke said, must not only have been oblivious of what the people expected at his hands, but of what he owed to the importance and delicacy of the subject, and to his own high situation and character. The Right Hon. Gentleman had expressed his hopes for a Regency in a subject, at the very time that he was accusing them of Treason. When he could not convince any one by his arguments, he had endeavoured to intimidate all who had dared to mention only the Rights of the Royal Family, and had threatened them with the lash of the Law. Where was the freedom of debate, where was the privilege of Parliament, if the rights of the Prince of Wales could not be spoken of in that House, without their being liable to be charged with Treason by one of the Prince's COMPETITORS!!! [Here a loud cry of *Order* from the other side of the House.] Mr. Burke said, he would repeat and justify his words. The Right Hon. Gentleman had expressly declared, that the Prince of Wales had no more right to claim the exercise of the Sovereign Power, than any other individual subject; he was warranted therefore in stating the Right Hon. Gentleman as having described himself as one of the Prince's

competitors. For his part, Mr. Burke said, he was too humble in situation to make such a renunciation of right to the Crown himself, but he would venture to say, that none belonging to the proudest and most exalted families, those who enjoyed the highest dignities, and were loaded with the most splendid titles and honours, would dare to hope for a chance of the Regency, or to state themselves as having an equal right to claim it with the Prince of Wales. He then ironically said, he must own he trembled when he considered that he stood before that Prince who held the lash of vindictive law over the heads of those who dared to question the subject. The Right Hon. Gentleman had talked of the discretion of that and the other House of Parliament; let him remember, that the first step of discretion was coolness of temper, and let him shew his own discretion before he recommended it to others. Before he gave his *elective* vote, for he might possibly be made an *Elect*or against his will, the Prince opposite to him, Mr. Burke said, ought not to measure people of low and timid dispositions by his own aspiring greatness of soul. He had read in some old law book, that nothing was so dreadful as when a subject was convicted of Treason, without knowing what he had done that was treasonable. Let the Right Hon. Gentleman recollect the 25th of Edward the Third, and not be so eager to hurl his constructive Treasons on the heads of those who differed from him respecting the Regency. He had ever understood, Mr. Burke said, that our Constitution was framed with so much circumspection and forethought, that it wisely provided for every possible exigency, and that the exercise of the Sovereign executive Power could never be vacant. He put the case, that if he supposed that there might be a right in the Prince of Wales (in whose patent of creation, as Prince of Wales, he was declared and considered to be one and the same with the King) to succeed his father in the exercise of the Royal Prerogative, and should proceed upon that supposition to urge a suit in the Court of Chancery, or any other Court, should be liable to be convicted of an high crime and misdemeanour for saying so. In that case, he conceived the charge of treason would not be made of a sudden; but, if urged at all, it would be urged without any attempt at intimidation, any look of fury, or any voice of harshness. But perhaps the charge was thrown out mere-

ly to advise in the first place, that the Prince of Wales had no more right than any other person ; and all his hitherto conceived notions of the meaning of a loud and most vehement tone of voice, was possibly wrong ; it meant nothing more than to make the expression it accompanied clearly understood. Be that as it might, if he were to give an elective Vote, it should be in favour of that Prince, whose amiable disposition was one of his many recommendations, and not in favour of a Prince, who charged the assertors of the right and claim of the Prince of Wales with constructive Treason.

The *Chancellor of the Exchequer* said, if the Hon. Gentleman Mr. Pitt. who had condescended to be himself the advocate and the specimen of moderation, had found any warmth in his manner of speaking before, that led him to think he had not considered what he said, he was ready to repeat it with all possible coolness, and knew not one word that he would retract. The Chancellor of the Exchequer then calmly re-worded the main point of his former argument, and maintained, that it was little less than Treason to the Constitution to assert, that the Prince of Wales had a claim to the exercise of the Sovereign Power during the interruption of the personal authority of his Majesty by infirmity, and in his life-time ; a claim that superceded the deliberative power and discretion of the two existing branches of the Legislature. And, when he had said the Prince of Wales had no more right to urge such a claim than any other individual subject, he appealed to the House upon the indecency with which the Right Hon. Gentleman had charged him with placing himself as the competitor of his Royal Highness. At that period of our history when the Constitution was settled on that foundation on which it now existed, when Mr. Somers and other great men declared, that no person had a right to the Crown independent of the consent of the two Houses, would it have been thought either fair or decent for any Member of either House to have pronounced Mr. Somers a personal competitor of William the Third ?

The Question was then put and agreed to,

The following Members were named and moved as a Committee, viz.

The Chancellor of the Exchequer,

Welbore Ellis, Esq;	Lord Adv. of Scotland,
The Master of the Rolls,	Marquis of Graham,
Right Hon. F. Montague,	Lord Belgrave,
Attorney General,	Sir Grey Cooper,
Robert Vyner, Esq;	Wm. Wilberforce, Esq;
Right Hon. Henry Dundas,	Right Hon. Wm. Wyndham,
Thomas Powys, Esq;	Philip Yorke, Esq;
Solicitor General,	Earl Gower,
R. B. Sheridan, Esq;	Right Hon. W. W. Grenville,
William Hussey, Esq;	Right Hon. Edmund Burke.

The other usual orders were made, viz.

“ The Committee to sit, notwithstanding the adjournment of the House.”

“ To adjourn from place to place, &c.”

The *Chancellor of the Exchequer* then moved,

“ That the Call of the House, which stands for to-morrow, be put off to this day se’nnight.”

The House was upon Motion adjourned till to-morrow.

Friday, December 12.

Soon after four the Speaker took the Chair, when Welbore Ellis, Esq. appearing at the Bar, with the Report of the Committee appointed “ to examine, search for, and report Precedents of such proceedings, as may have been had in case of the personal exercise of the Royal Authority being prevented or interrupted, by infancy, sickness, infirmity, or otherwise, with a view to provide for the same,” he was ordered to bring up the Report, the title of which being read,

The *Chancellor of the Exchequer* moved, “ That the said Report do lie on the Table.” This having been agreed to,

It was moved that the Report be printed.

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The *Chancellor of the Exchequer* said, he apprehended it would ^{Mr. Pitt.} be necessary to allow a convenient time for the House to consider the contents of the Report, and examine and weigh their application, and force, before they came to any proceeding upon it; that as it was his earnest wish to use every possible dispatch consistent with the due solemnity and acknowledged exigency of the case, he should move that the House would, on an early day in the course of next week, resolve itself into a Committee, “to take into consideration the present State of the Nation,” to which Committee he should likewise refer the Report, that had been just presented, and that containing the examination of his Majesty’s Physicians. He had entertained hopes, that in consequence of the preparation that had been made with a view to expedite the printing, that the copies might be ready for delivery next day, but he had just heard, that it would be impracticable, and that the copies could not be got ready for delivery before Monday. Tuesday therefore, he hoped, would be a day agreeable to the House for the Committee he had named to sit, and with a view the better to enable Gentlemen to make themselves masters of the contents of the Report, he took that opportunity of informing the House, that all the Precedents contained in the Report were either taken from the Rolls of Parliament, the Statute Books of the Realm, or their own Journals. A Schedule of the whole, with references, was annexed to the Report, which, at least, he hoped, might be ready for separate delivery so early as the next morning, and such Gentlemen as had the books in their possession, might thereby be enabled to refer to them immediately, and proceed to an enquiry into the doctrines contained in that Report, without waiting for the delivery of the Printed Copy. Hoping that what he had said, would prove satisfactory to the House in general, he would take the liberty of moving,

“That this House will, on Tuesday next, resolve itself into a
 “Committee of the whole House to take into consideration the
 “State of the Nation.”

The Question having been put from the Chair,

Mr. *Fox* said, he did not mean to oppose the Motion, nor to argue for a later day. He rose for two purposes, which he felt incumbent upon him to lose no time in laying before the House, and

the more especially, as they had reference to what had passed upon the subject that did then engage, and had for some days past engaged their most serious attention. The first purpose was what he never rose for before, since he had been a Member of that House. No Member was more indifferent to newspaper paragraphs, reports and representations than he was; he never scarcely looked into any of their accounts of what he said in that House without finding some part of his speech misrepresented, but he had thought it beneath him to take any notice of it himself, trusting, that if he had expressed himself clearly, the candour of that House, and the recollection of those who heard him, would do him justice. What he rose then to complain of, was a very different matter. There had, he said, been representations or rather *mis*-representations, not in newspapers, not in pamphlets, not in Coffee-houses, but there had been misrepresentations of what he had said in that House on Wednesday last, publicly made before a public and august assembly, by a grave person, in high authority, and of dignified rank. He desired mankind to judge him and his opinions from the sense of those opinions, and his meaning as explained at the time. There were, he said, different sorts of misrepresentations; there might be some wilful and intentional misrepresentations, others arising rather from levity, caprice, and wantonness, than mischievous design, and again another description of misrepresentations arising from the misconception of honest minds, made by persons who were themselves mistaken, and acted upon that mistake. Under which of these descriptions of misrepresentation he had fallen, he would not take upon him to determine; possibly he might not have expressed his meaning clearly, though he thought he had spoken in a manner so explicit, that no man could misunderstand him; he was sure it arose not from any contempt of his auditors, that he had not rendered himself more intelligible, but merely from the want of power and capacity to convey to their minds what so forcibly impressed his own; be that as it might, however, what had been understood to be his meaning, or what had been misrepresented to have been his expression and sentiment, when speaking as a Member of Parliament, ought not to have been treated as it had been; as if public proceedings, of a grave and solemn nature, ought to be grounded on so unsubstantial a

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foundation. After much introductory remark of this tendency, Mr. Fox said, the first thing he must clear himself from, was the supposition of having spoken from the authority of any person whatever, much less from the authority of his Royal Highness the Prince of Wales. He had spoken merely of himself, and delivered his opinion as an individual Member of Parliament. In that private capacity, and without the Prince of Wales's authority, he had freely delivered his opinion, and the opinion he had stated and meant to state was, that from the moment that the two Houses of Parliament declared the King unable to exercise the Royal Sovereignty, from that moment *a right to exercise the Royal Authority attached to the Prince of Wales*. But he must state what that *right* was, that so attached; and he would trust to the recollection of Gentlemen, whether he had not so explained it, when he had last occasion to speak upon the subject. A new term had been put into his mouth in another place, which he had not used; it had been said, that he had declared "the Prince of Wales had a right to ASSUME the Royal Authority upon the interruption of its personal exercise in consequence of the King's illness and incapacity." What he meant was this: He conceived the exercise of the Royal Authority to be the right, under such circumstances, of the Prince of Wales; but he had spoken of it as a *right* and not the *possession*. Before the Prince could exercise that right, he must appeal to the Court competent to decide whether it belonged to him or not, or must wait till that Court on the part of itself, made such declaration. That Court was composed of the two Houses of Parliament, while they were sitting; the Prince had the right, but the adjudication of that right, belonged to the two Houses. The more clearly to understand this, it was necessary to explain the precise meaning of the word *election*, and to contrast it with the term *adjudication*. That House could *legislate* and *provide* such measures as it deemed adviseable for the public interest; when they individually gave their votes for such persons whom they thought most fit to represent them in Parliament, they made their *Election* of their Representative; but when they sat in a Committee above stairs to try whether A. or B. was entitled to a seat as Representative of such or such a Borough, they sat as Judges, and their report was an *adjudication* of

of the right of A. or B. If Gentlemen would do him the honour to recollect his manner of treating this subject on the preceding day, they would he hoped do him the justice to admit, that the meaning that he had now explained, was precisely that which his words on a former occasion had then been calculated to convey, and that he neither talked of the *usurpation* of the two Houses, nor suggested a single idea to warrant the imputing to him any intention of that sort or any thing like it. Let it be recollected where he was speaking, and to whom he was addressing himself ;——to the House of Commons, one of the constituent parts of the very Court that was to make the adjudication of the Prince's right. Let it be recollected likewise, whether the rest of his argument, both in speech and his reply, did not go expressly to the nature of the Prince's right, as he had now defined it. He had, in terms the most explicit and unequivocal, asserted it as his opinion, that when that and the other House of Parliament declared his Majesty incapable of exercising the Royal Authority, that was the precise period of time when the Prince's right attached, and when that House ought not to delay in restoring the Royal Authority. Had he not said, that the same principles that made the Crown hereditary, made the executive power, and the government of the country, hereditary likewise ? Upon that ground it was, that he had argued as he had done, and that he conceived to be the nature of the Prince of Wales's right. Having thus, as he hoped, clearly explained his meaning, he was free to acknowledge, that more differences of opinion prevailed respecting the right of the Prince of Wales to exercise the Royal Authority, under the circumstances so often stated, than he could have expected, but much of that difference of opinion, he found, arose from some nice, logical, and legal distinction, taken between the term *right* and *claim*, distinctions more equivocal in his mind than solid and substantial, and which were rested on arguments and principles, that he confessed his understanding was too dull to comprehend. One idea he had learnt was, that it was allowed by some, that the Prince of Wales had an irresistible claim, which the Parliament could not reject or refuse, whenever it was made, without forfeiting their duty to the Constitution. To that idea, he, for one, had no objection ; because he knew no difference between an irresistible claim, and an inherent right. In another place, the

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right of the Prince of Wales had been gone into deeply, and that by persons every way qualified to discuss it, who all gave their sanction and authority to his opinion. If the Prince of Wales had done him the honour to have asked his advice how to proceed, he should have told him, as Parliament was sitting, that he thought his Royal Highness might have sent a message to either House, or to both Houses of Parliament, stating his claim, and calling upon them to decide upon it. But as he had said on a former day, his Royal Highness's forbearance was such, that he would send his claim to neither House of Parliament; but would wait patiently, and with due deference, being conscious, that the two Houses ought to *find* that claim, and restore the Royal Authority. Mr. Fox said, he could not help thinking, that the conduct of his Royal Highness deserved the commendation he had bestowed on it, and was entitled to universal applause.

Having thus cleared his ground of the first purpose, for which he professed to have risen, Mr. Fox declared, he had entertained sanguine hopes that in the adjustment of a business of so very delicate and important a nature, men of every description would have concurred in one leading and essential circumstance, viz. that let there exist what doubt there might, of the Prince of Wales's *right* to exercise the Royal Authority under the present circumstances of the country, there could be none of the propriety of investing him with the sole Administration of the Government, and with the unlimited exercise of all the Regal Functions, Powers, and Prerogatives. He had not yet abandoned these hopes altogether. Rescuing himself from the effect of misrepresentation, in a particular, respecting which he should have been extremely sorry to have been misunderstood, had been one of the purposes for which he had risen to trouble the House that day; a desire, if possible, as far as in him lay to render the future proceedings of the House less difficult than they otherwise might be, was the other. The Right Hon. Gentleman, he observed, had named an early day, for the House to resolve itself into a Committee of the whole House, to take into consideration the State of the Nation; he did not mean by an early day, a day too early. He had before declared, that after the authentication of the King's incapacity, the House ought not to lose any time in restoring the Royal Authority, but it was
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not undefireable that the House should be enabled to know what sort of proposition it was that the Right Hon. Gentleman meant to come forward with on Tuesday, in order to be able to turn it in their minds, and come prepared to discuss it with some degree of knowledge of its propriety and expediency. He wished the Right Hon. Gentleman not to regard him as hostile on the present occasion. He knew it was so usual for the House to see the Right Hon. Gentleman and himself acting in an hostile point of view towards each other, that it was difficult to consider them in any other light; but what he now suggested, he suggested on grounds of general convenience, devoid of any party consideration whatever. If the Right Hon. Gentleman did not feel the proposition that he had made as he did, he could only lament that he did not. He should hope, however, that the Right Hon. Gentleman might not think it unfit to give the House some general outline of what he meant to state to the Committee on Tuesday next, that Gentlemen may not then be puzzled with the novelty of the proposition, and embarrassed how to vote. He was inclined to hope, Mr. Fox said, that, as to essential points, the difference between the Right Hon. Gentleman and himself was extremely minute; an advantage therefore would result from a communication of the intended proposition; the opinions of weighty men upon it might be ascertained, and thence it might be seen whether arrangements might not be made to reconcile difference on small points, in order that the Question, whatever it might be, might not be carried by a division or majority of the House, but that it might be carried with perfect unanimity. What some conceived a *Right* in the Prince of Wales, others might deem at the disposal of the two Houses of Parliament; but that was a difference of opinion of no material import to the main consideration of the act they were to do, and which they must proceed to in some shape or other. When the thing itself was decided, it would remain to determine by what mode to notify it. He conceived, there could be but two regular methods; one by a declaration, the other by an address, or perhaps both conjointly by the two Houses. He knew not whether the Right Hon. Gentleman would be willing to communicate the outline of what he meant to state to the Committee on Tuesday; but he had no difficulty to declare unreservedly what his opinion was upon the subject, if the
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opinion of so insignificant an individual as he was were worth attending to. His opinion was, *to declare his Royal Highness REGENT, for the purposes of exercising all the Regal Powers, in the same manner, and to the same extent, as they might have been exercised by his MAJESTY, had his health been such as to render him capable of continuing to exercise the Royal Authority.* That was his opinion, and the House would see it was a plain, simple, intelligible proposition. If the Right Hon. Gentleman's proposition came near his, something ought to be sacrificed to unanimity, and he should be ready to give up on his part, in proportion as the Right Hon. Gentleman would express the same willingness to accommodate. Though it was abundantly more desirable to carry a question of such infinite magnitude by the universal and unanimous consent of the House, than by a majority, yet if the Right Hon. Gentleman's opinion differed widely from his, so widely, that there was no chance of reconciling the one to the other, he should be reduced to the necessity of dividing, and seeing which gained the majority. He declared, he should be willing to sacrifice much for the purpose of making unanimity, because he thought it above all things desirable. In the great point there could be no difference of opinion. They must all agree, that it was in the first instance their business to set up something for the regal power; and who would they set up but the Prince of Wales, who certainly had the first interest in the welfare of the kingdom, his Majesty alone excepted? He urged the Right of the Prince as an abstract point, and as such, the stating it was, in his opinion, a powerful argument. But what signified differences upon abstract points, where the substance was indisputable? The field was a wide one, and his object then, as it had been in the debate of Wednesday, was to lead the mind to what point Gentlemen ought to look. *De qua re agitur* was the matter he wished to ascertain, and with that view he had called upon the Right Hon. Gentleman to state the outline of the proposition he meant to come forward with next Tuesday. Perhaps, as the Right Hon. Gentleman was in full possession of what ought to be done, in *his* (Mr. Fox's) opinion, the Right Hon. Gentleman might feel the less objection and difficulty in stating his own opinion. All he wished was, that the House might know what they were to expect in that particular, and not come altogether

unprepared to meet it, when the proposition should be regularly made. In the beginning of his speech, he had endeavoured to explain a matter, respecting which he had been misrepresented in another place. He hoped he had done it satisfactorily ; but if any Gentleman entertained a doubt upon any part of what he had said, he should be happy to rise again to answer any question on that subject, and to give the fullest explanation.

Mr. Pitt.

The *Chancellor of the Exchequer* said, he did not rise to debate at large on the topics to which their attention had been called by the Right Hon. Gentleman. They had just received a voluminous Report from the Committee appointed to search for Precedents, in order that the House might have every information before them to guide their proceedings under the present arduous and singular situation of the country, that the wisdom of their ancestors, the statutes of the realm, and the records of Parliament could afford ; and he had moved to refer that Report, together with the examination of his Majesty's Physicians to the Committee of the whole House, who were to take the state of the nation into their consideration next Tuesday. In that Committee the topics touched on by the Right Hon. Gentleman would necessarily undergo an ample discussion. In the last debate on the subject, there appeared to be a point at issue between the Right Hon. Gentleman and himself ; and from all that the Right Hon. Gentleman had then said, it still appeared to be no less at issue than before. The Right Hon. Gentleman had explained, as he thought proper, the meaning of a very essential part of his speech on Wednesday last. The Chancellor of the Exchequer said, that he should be sorry to fix on any Gentleman a meaning, which he afterwards declared *not to have been* his meaning. In whatever way, therefore, he had before understood the Right Hon. Gentleman's words relative to the Prince's *forbearing to assert his claim, &c.* he was willing to take the matter upon the Right Hon. Gentleman's present explanation, and to meet it upon those grounds, upon which he had then, after maturer deliberation, placed it. The Right Hon. Gentleman now asserted, that the Prince of Wales had a *Right* to exercise the Royal Authority under the present circumstances of the country ; but that it was as a right not in possession, until the Prince could exercise it on, what the Right Hon. Gentleman called, the *adju-*
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abdication of Parliament. He on his part denied that the Prince of Wales had any *right* whatever, and upon that point the Right Hon. Gentleman and he were still at issue; an issue, that in his opinion must be decided before they proceeded one step farther, in mind. the great and important considerations to be discussed and deter-

One part of the Right Hon. Gentleman's Speech, Mr. Pitt said, he must take notice of, as the Right Hon. Gentleman's ideas in that point had not appeared to him to be quite accurate and distinct. He seemed to have intended to have renounced all idea of the Prince of Wales's right to *assume* the exercise of the Royal Authority under the present or similar circumstances without the previous adjudication of Parliament, or of the two Houses; but if he understood the Right Hon. Gentleman correctly, he had used the word *during the sitting* of Parliament; the plain inference from which expression was, that if Parliament were *not sitting*, the Prince of Wales could ASSUME the exercise of the regal authority. The Chancellor of the Exchequer declared that he thought the Prince of Wales could, *in no one case*, have power to *assume the right*. If there were no Parliament in existence, he granted that the Heir Apparent, acting in concert with other persons in great situations, might, under such circumstances as the present, have issued writs, and convened the two Houses, for the purpose of providing for the exigency. Such a proceeding would be justified by the necessity of the case, and with a view to the safety of the nation, which superceded all forms; but that it would be a *legal* and *formal* summons of the Parliament, or that a Parliament could be called together without legal authority, he must absolutely deny. Such a Meeting would be a Convention, like to that assembled at the time of the Abdication of James the Second, and in other periods of difficulty; but it could not be a *legal* and *formal calling together* of a Parliament. With regard to the question of the Prince of Wales's right of *assuming* the power during the intermission of Parliament, and his right not in possession (as it was called) during the sitting of Parliament, he need not rest much upon the distinction, denying, as he did, that *any right to assume* the Regal Authority under any circumstances, independent of the consent and approbation of Parliament, existed in the Prince of Wales. But supposing the right of assumption of
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Royalty given up altogether, and that the Prince must have the right adjudged by Parliament, he denied that they were canvassing a *right* and acting as *Judges*, as the Right Hon. Gentleman had declared they were. It was subversive of the principles of the Constitution to admit, that the Prince of Wales might seat himself on the Throne, during the life-time of his father, and the intimation of the existence of such a right, (as he had remarked on a former occasion) presented a question of greater magnitude and importance even than the present exigency and the provision that it necessarily required; a question that involved in it the principles of the Constitution, the protection and security of our liberties, and the safety of the State! Whatever, therefore, might be the order of their proceeding, he hoped there would be an unanimous concurrence of opinion, that it was impossible to let the Question of Right, that had been started, be dismissed, without its being fully discussed and decided; it was a question that shook the foundation of the Constitution, and upon the decision of which all that was dear to us as Britons depended. In his opinion, therefore, it was their first duty to decide, whether there were any right in the Prince of Wales to *claim* the exercise of the Regal Power, under *any* circumstances of the country, independent of the actual demise of the Crown. In the discussion of the powers with which a Regent was to be invested, there might be differences of opinion, whether the *whole* of the Royal Prerogatives should be delegated on the grounds of expediency; there might be differences of opinion whether a *portion* only of the Royal Authority should be delegated, and a part reserved on the grounds of prudence and discretion. These were important topics, which they could not discuss, unless they first knew, whether they were sitting as Judges, or as a House of Parliament possessing a power of deliberation, and capable of exercising a constitutional discretion. They must first ascertain, whether *that* which should be vested in the hands of the Prince of Wales, was matter of *adjudication* on their part, of *right* in his Royal Highness, or as a *trust* in behalf and in the name of his Majesty; and therefore he should think it his duty to bring forward the question of Right as a Preliminary question. If that question should be decided in the affirmative, there would be no need of specific measures; if on the contrary, the way would be cleared, and the House would

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know how to proceed. He had, he said, mentioned the alternative, but God forbid that the fatal alternative should be decided in favour of the intimated Right of the Prince of Wales! Having thus gone through those parts of Mr. Fox's speech, that referred to what had been said of the Right of the Prince of Wales, the Chancellor of the Exchequer took notice of the call which Mr. Fox had made upon him, relative to the future propositions to be brought forward by him in the Committee that had been moved for, to take into consideration the State of the Nation. He said, if the question of Right should be decided, as he thought it must be, upon constitutional principles, he should in that case certainly proceed to propose measures for providing for the interruption of the Royal Authority, occasioned by his Majesty's present incapacity to exercise it; and as he was always happy, when he could concur with the requisition of the Right Hon. Gentleman, he would state the outline, without feeling any prejudice to the person who had called for it; but he begged to have it understood, that what he was about to state was not to be a matter of Debate at that moment, nor were any arguments then to be raised upon it. He proceeded to declare,

That however decided he might be in his opinion against the whole or any part of the Regal Power being vested in the Prince of Wales, as a matter of right (in any way in which that right had been explained,) he was equally ready to say, that as a matter of discretion, and on the ground of expediency, it was, in his opinion, highly desirable, that whatever part of the Regal Power it was necessary should be exercised at all, during this unhappy interval, should be vested in a single person, and that person the PRINCE of WALES. That he also thought it most consistent with true constitutional principles, and most for the public convenience, that his Royal Highness should exercise that portion of authority (whatever it might be) unfettered by any permanent council, and with the free choice of his political servants. With regard to the portion of Royal Authority which ought to be given, or that which ought to be withheld, it would be premature in this stage to enter into the particular discussion of it; but he had no objection, even now, to declare in general, that whatever authority was necessary for carrying on the public business with vigour and dispatch, and for providing during this interval for the safety

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and interests of the country, ought to be given; but on the other hand, any authority not necessary for these purposes, and capable of being by possibility employed in any way which might tend to embarrass the exercise of the King's lawful authority, when he should be enabled to resume it into his own hands, ought to be withheld; because, from its being given, more inconvenience might arise to the future interests both of the People and of the Crown, than any which could arise in the mean time from its temporary suspension.

The principles of this explicit declaration of his intention he justified on the ground, that whatever was given to the Regent, or with-held, ought to be given with a view to the moment when his Majesty should be capable of resuming his rightful prerogatives, a circumstance to which it peculiarly became him to look, in the situation in which he stood, honoured with the confidence of a Sovereign to whom he was bound, and strongly attached by the ties of gratitude and duty—but of that he would say no more. Whatever judgment might be formed of what he had said, he was conscious of having given a free and an honest opinion, and was satisfied with that consciousness. He conceived it could not be thought necessary for him to go any farther into the subject, as the adjustment of the whole proceeding must rest with the Committee on the State of the Nation, where it would be necessary to come forward with the different propositions separately, and to proceed step by step to mark and define by distinct resolutions, what parts of the Royal Prerogative should be given to the Regent, and what with-held.

Mr. Fox.

Mr. Fox said, the Right Hon. Gentleman had in his opinion pretty nearly stated every thing that he had desired, and indeed full as much as he either did, or had any right to expect from him, and that with extreme candour. The Right Hon. Gentleman had taken a distinction between the *right* of the Prince of Wales, while Parliament was *sitting*, and his *right* while Parliament was *not sitting*, and had asked what would have been the Prince's conduct under the latter circumstance? In that case, Mr. Fox said, he supposed the Prince would have done what the Right Hon. Gentleman had stated might have been done; he would have convened the two Houses of Parliament, and referred to that Convention, the consideration of the State of the Nation, and expected when they declared

declared the incapacity of the King, that they would have also declared his Right to the Regency. Some words, he observed, had slipped into the Right Hon. Gentleman's speech which seemed to insinuate, that he had put the Regency in a point of view very different from that in which he had placed it. The Right Hon. Gentleman had said, that House was to decide whether it was a *Right* or a *Trust*. When he (Mr. Fox) had stated that the Prince of Wales had a Right to exercise the Royal Authority, he most undoubtedly meant to exercise it as a trust from the people, which Parliament might resume, alter and modify, just as Parliament thought proper. If that trust were abused essentially, the people of England might resume it without the Parliament, as had been done in the case of the Revolution. The Regency was a trust, on behalf of the People, for which the Prince was responsible, in like manner as his Majesty, and every Monarch that ever sat upon the Throne, were responsible for the due execution of their high office; Sovereignty was a trust depending on the natural liberties of mankind. But his notions on Revolution doctrines had been so often stated, and were, he conceived, so well known in that House, that he scarcely supposed it would be imputed to him, that he meant to deny that the Regency was a *trust*; so far from it, he had upon that ground urged the Prince's right to be *hereditary*, conceiving an hereditary succession the best security to the people for the due discharge and faithful execution of the important trust vested by them in their Governors. Mr. Fox took notice of the abstract question of Right, which the Right Hon. Gentleman had declared he would bring forward in the Committee on the State of the Nation, and said till he saw the words of the proposition, it was impossible for him to speak to it. It might be a proposition which the Committee might affirm; it might be a proposition which the Committee might deny; or it might be a proposition which the Committee might neither affirm nor deny, but wave the consideration of. With regard to the steps which the Right Hon. Gentleman had said he would take in the Committee, there might be objections offered to his intended mode of proceeding, and he would state what those objections were, without arguing upon any of them. The Right Hon. Gentleman had said, to whom the powers of the Royal Authority should be entrusted; and after re-

solving that, he had declared that only a portion of those powers should be given. A question might arise between those two steps, viz. a Debate whether there should be a *portion* or the *whole* of the Royal Authority vested in the Regent? Mr. Fox considered this in the two different points of view, as a question of right, and as a question of expediency. He doubted whether the plan of proceeding step by step could legally be pursued; and whether, allowing for the moment, that the Prince of Wales had *no right*, the two Houses of Parliament could propose an Act of Legislation. He doubted also, whether they must not necessarily, in the first instance, set up something for a King, to give his consent to the proposed defalcation of Royal Authority, whatever it might be. Restoring the Royal Authority, seemed to him to be clearly the first step that must be taken, and that the two Houses could not bargain with the Regent before hand for the diminution of the regal power. He professed, he saw no sort of necessity for coming to a division on an abstract proposition, when they had measures of so much solidity and substance to take; where the portion of power that must be given would be so much, and that which must be withheld so little, that stating an abstract proposition was, in his mind, useless; he thought it therefore much better to wave it, and for both Houses to convince men by their acts, and not by abstract resolutions. The Right Hon. Gentleman's intentions, he observed, were plain and manifest; and he had, on his part, expressly stated his opinion on the subject, viz. to invest his Royal Highness with the *whole*, not a *portion* of the Royal Powers; both sides of the House were therefore sufficiently understood, and the question consequently would be, whether it was expedient to make the Prince of Wales a Regent, or a Parliamentary Regent, and thus give a situation and create a power, hitherto unknown to our Constitution, by placing a person in the situation of the King, without regal powers.

Mr. Sheridan.

Mr. *Sheridan* said; he did not rise to debate the mode of proceeding stated by the Right Hon. Gentleman; his Right Hon. Friend had fully spoken his mind upon the subject; he rose merely to prevent any conclusion being drawn from their silence that they concurred in the propriety or expediency of putting the abstract Proposition on the *Right* of the Prince of Wales. He argued
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against the discussion of any such Proposition, maintaining that it was neither likely to tend to the promotion of the good or the peace of the Public. It could not conciliate, it might create dissensions and animosities, and therefore, he contended, it would be extremely unwise, as it was obviously unnecessary to agitate it or press the House to come to any vote upon it. He reminded the Right Hon. Gentleman of the danger of provoking that claim to be asserted [a loud cry of *Hear! Hear!*] which he observed had not yet been preferred. [Another cry of *Hear! Hear!*] He repeated his words, and asked, would the Right Hon. Gentleman chuse to have his own Proposition put upon the Journals, viz. That the Prince of Wales had *no more Right* to exercise the Royal Authority during the incapacity of the King, *than any other individual* subject? If he would not, why would he press an abstract Proposition that must throw the nation into anarchy and confusion? Mr. Sheridan said, he was so thoroughly convinced that the discussion of the Question was mischievous, that he was sure no man, who was not actuated by a spirit of dissension, would propose it.

The *Chancellor of the Exchequer* and Lord *Frederick Campbell* rose Mr. Pitt. together, but the former obtained the hearing. After apologizing to his Lordship for taking the liberty of obliging him to defer the communication of what he meant to have said, Mr. Pitt declared, he rose to remark the manner in which the Hon. Gentleman had chosen to treat what had fallen from him in compliance with the request of the Right Hon. Gentleman opposite to him. The Hon. Gentleman had chosen rather indiscreetly, and with a degree of warmth altogether uncalled for, to enter into a discussion of the propriety of bringing forward a Proposition not then before the House, but which would come under discussion in a regular way, on a future day. It was evident, he said, that there were but two opinions on the question that had been hitherto agitated, touching the present exigency, in consequence of his Majesty's incapacity to exercise the Royal Authority; the one, that they were to deliberate on one of the most interesting points that ever came before a House of Parliament; the other, that they were to proceed to an adjudication of one of the most important rights that ever was claimed. In the discussion of these opinions, the House, he trusted, would do their duty in spite of any threat that might be thrown

out; men who felt their native freedom would not submit to a threat, however high the authority from which it might come.

Lord Frederick Campbell.

Lord *Frederick Campbell* said, the Hon. Gentleman had thrown out imputations which had hurt his feelings exceedingly. He did not understand that any Member had a right to impute bad intentions to another. With regard to the question of Right, the question must necessarily be discussed before any other. He had the other day heard it doubted, whether they were a Parliament or a Convention; it had even been asked, whether the Speaker had a right to issue writs, and other offensive expressions had been used which he did not recollect. He wanted to know whether he had a right to debate; and there was no other way of putting it out of doubt whether they were a Parliament or not, but by coming to a decision of the question of Right. His Lordship wished not that bad motives should be imputed to any man; his own motives, he declared, were pure and honourable.

Mr. Fox.

Mr. *Fox* in reply said, it was a pity the noble Lord could not recollect what he had complained of as offensive expressions. With regard to the doubt whether the Speaker could issue his writ, the Speaker would recollect it originated with himself and not with him. As to the noble Lord's declaration that his motives were pure, he had no doubt but that they were pure and honourable, as they ought to be. He had always had the good fortune to have the noble Lord with him when he was in office, but never had that good fortune when out of his Majesty's service. He recollected that his Lordship had supported him in opposing a dissolution of Parliament, but that he was with the Minister when the new Parliament assembled. A proof that warm and zealous as the part the noble Lord had taken against the dissolution had been, the noble Lord's opinion had changed much sooner than his own had done.

Lord Frederick Campbell.

Lord *Frederick Campbell* said he had not replied at all to what that Right Hon. Gentleman said, but to words spoken by the Hon. Gentleman near him. With regard to his want of recollection of what had passed on a former day, the fact was, he did recollect the expressions to which he alluded, but that he did not choose to repeat grievances. He recollected the word *recognition*, which had given him pain, not but that he wished his Royal Highness as well as the Gentlemen on the other side did: nobody could wish him better

better when he had a proper power, nor was more willing to submit to him when he should be Manager of the Government of the country.

Mr. *Sheridan* denied that he had used any threat, as imputed to ^{Mr. Sheridan.} him by the Chancellor of the Exchequer, and said, he had only spoken of the danger that might arise, if the Prince should be provoked to prefer a claim, which he certainly had not yet preferred, and the discussion of which he must continue to think as mischievous in its tendency, as it was undoubtedly unnecessary; he must therefore repeat, that whoever pressed forward such a discussion, was actuated by a mischievous intention.

The *Chancellor of the Exchequer* said he was glad to hear an ex-Mr. Pitt. planation. Had the Hon. Gentleman been equally guarded before, he should not have thought it necessary to have taken notice of what he could not conceive but to be a threat. The phrase which the Hon. Gentleman had made use of, was the assertion and not the preference; but when that threat came from so high an authority he could not suffer it to pass unnoticed.

Mr. *Sheridan* complained that the Chancellor of the Exchequer ^{Mr. Sheridan.} put words into his mouth which he did not speak.

A few more words of explanation took place between the Chancellor of the Exchequer and Mr. *Sheridan*.

The Question was then put and agreed to.

It was then moved,

“ That the Report from the Committee appointed to examine his Majesty’s Physicians. Also

“ The Report of the Members of his Majesty’s most Honourable Privy Council. And also

“ The Report from the Committee appointed to search for Precedents, be referred to the said Committee.”

The House rose immediately, having adjourned to Tuesday next.

Tuesday, December 16.

As soon as the *Chancellor of the Exchequer* had taken his seat, he ^{Mr. Pitt.} moved, that the Order of the Day for “ the House to resolve it-

self into a Committee on the Consideration of the State of the Nation," be read, which being done accordingly, together with the Order for referring the Report of the Committee appointed to take and report the examinations of the King's Physicians, and the Report of the Committee appointed to search for, examine and report Precedents, &c. to the said Committee, the Chancellor of the Exchequer moved, "that the Speaker do now leave the Chair," which having been on the Question put, and agreed to, Brook Watson, Esq. took the Chair at the Table.

The *Chancellor of the Exchequer* began his speech with declaring, that the House were then in a Committee to take into consideration the State of the Nation, under circumstances the most calamitous and important that had ever befallen the country at almost any period. It was then a century ago since any thing of equal importance had engaged the attention of that House. The circumstance that had then occurred was the Revolution, between which, however, and the present circumstance, there was a great and essential difference. At that time the two Houses had to provide for the filling up of a Throne that was vacant by the abdication of James the Second; at present they had to provide for the exercise of the Royal Authority, when his Majesty's political capacity was whole and entire, and the Throne consequently full, although in fact all the functions of the executive government were suspended, but which suspension they had every reason to expect would be but temporary. There could not, he said, be but one sentiment upon that head, which was, that the most sanguine of his Majesty's Physicians could not effect a cure more speedily, than it was the anxious wish of every man in that House, and every description of his Majesty's subjects, that his cure might be effected, and that he might thence be enabled again to resume the exercise of his own authority. During the temporary continuance, however, of his Majesty's malady, it was their indispensable duty to provide for the deficiency in the Legislature, in order that a due regard might be had to the safety of the Crown, and the interests of the People. The first Report before the Committee established the melancholy fact, that had rendered their deliberations necessary; the second contained a collection of such Precedents, selected from the history of former times, as were in any degree analogous to
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the present unfortunate situation of the country ; although he would not undertake to say that still more Precedents might not have been found, yet such as the Report contained, would serve to throw a considerable degree of light on the subject, and point out to the House the mode of proceeding most proper to be adopted. Notwithstanding the magnitude of the question, what provision ought to be made for supplying the deficiency, there was a question of a greater, and still more important nature, which must be discussed and decided first, as a preliminary to their future transactions, with a view to the present exigency. The question to which he alluded, was, Whether any person had a right, either to assume or to claim the exercise of the Royal Authority, during the incapacity and infirmity of the Sovereign ; or, whether it was the right of the Lords and Commons of England to provide for the deficiency in the Legislature resulting from such incapacity ? On a former day, he had stated, that in consequence of an assertion having been made in that House, that a Right attached to his Royal Highness the Prince of Wales, as Heir Apparent to exercise the Sovereign Authority, as soon as the two Houses of Parliament declared his Majesty, from illness and indisposition, incapable of exercising his Royal Functions ; it appeared to him to be absolutely and indispensably necessary, that the question of Right ought to be first decided by the Committee, before they took a single step to provide for the deficiency of the third Estate of the Realm. By the assertion of the existence of such a right, no matter whether a right that could be assumed in the first instance, or as a right which attached after the declaration of both Houses of Parliament, that his Majesty was incapable, a doubt had been thrown upon the existence of what he had ever considered as the most sacred and important rights of the two Houses, and it became absolutely necessary for them to decide that doubt, and by such decision ascertain whether they had a right to deliberate, or whether their proceedings must be exceedingly short, and they should have only to adjudge, that such a Right as had been mentioned was legally vested in his Royal Highness the Prince of Wales.

He mentioned the difficulty and embarrassment that had been thrown upon their proceedings by the assertion, that such a claim existed ; and although he was free to confess, that the assertion
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had not been made from any authority, and that they had since heard, though not in that House, that it was not intended that the claim should be made, yet having been once stated, by a very respectable Member of that House as his opinion, it was an opinion of too much importance to be passed by; he desired it to be remembered, however, that he had not stirred the Question of Right originally; if, therefore, any serious danger were actually to be dreaded by its being discussed and decided, that danger and its consequences were solely imputable to the first stirrer of the Question, and not to him. Had the doubt never been raised, an express declaration on the subject had not been necessary; but, as the matter stood, such a declaration must be made one way or the other. He begged, however, that it might not be imputed to him, that he was desirous of wasting time in bringing forward any abstract, or speculative, or theoretical Question. An abstract Question, in his conception of it, was a Question wholly unnecessary, the discussion of which could answer no end, nor could its decision afford any light to guide and assist them in their proceedings. Of a very different nature was the Question of Right; it was a Question that stood in the way of all subsequent proceeding, the resolving of which must necessarily decide upon the whole of their conduct with regard to the present important business; they were not free to deliberate and determine while the doubt of an existing right or claim hung over their heads, they could not speak intelligibly or to any purpose until they knew their proper characters, and whether they were exercising their own rights for the safety of the Crown and the interests of the people, or whether they were usurping that which had never belonged to them. On that ground it was, that he had declared the Question of Right not to be an abstract Question, a speculative Question, or a theoretical Question. The first information the papers that had been referred to the Committee afforded, was that which he should make the first resolution, viz. a resolution of fact, as the ground of those that were designed by him to follow it; a resolution stating, that which the language of all his Majesty's Physicians afforded sufficient proof of, that his Majesty was incapable from illness of coming to his Parliament, or attending to any public business, whence arose the interruption of the exercise of the Royal Authority.

Authority. To that resolution of fact, he conceived there could not be any objection. His next resolution would be the resolution of Right, couched in part in the words of the Bill of Rights, and stating, "That it was the right and duty of the Lords Spiritual and Temporal, and of the House of Commons, as the rightful Representatives of all the estates of the people of England, to provide for the deficiency in the Legislature, by the interruption of the exercise of the Royal Authority in consequence of his Majesty's incapacity through indisposition." He renewed his arguments in support of the claim of the two Houses of Parliament, declaring that under the present circumstances of the country, it was his firm and unalterable opinion, that it was the absolute and undeniable Right of the two Houses on the part of the people to provide for the revival of the third estate. He declared he would state the point at issue between him and the Right Hon. Gentleman opposite to him fairly. He wished not to take advantage of any shades of difference between them, but to argue upon the solid and substantial difference of their opinions. If he had conceived the Right Hon. Gentleman properly, he had asserted, "that, in his opinion, the Prince of Wales, as Heir Apparent, upon the incapacity of the Sovereign to exercise the Sovereign Authority being declared, had as clear, as perfect, and as indisputable a Right to take upon himself the full exercise of all the authorities and prerogatives of his father, as if his Majesty had undergone an actual demise." If it could be proved to exist by any precedents, drawn from history or founded in law, or by the analogy of the Constitution, he wished to have been told what those precedents were, because in that case the ground would be narrowed, and the proceedings of the Committee rendered short and simple, as they would have no power nor occasion to deliberate; the only step they could take would be to recognize the claim of Right. That claim of Right, however, he flatly denied to have any existence, capable of being sustained by such proof as he had mentioned; the right of providing for the deficiency of the Royal Authority, he contended, rested with the two remaining branches of the Legislature. He professed himself exceedingly happy to hear that a declaration had been made in another place from high authority, that the Right stated by the Right Hon. Gentleman in that House to have existence, was not
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meant to be urged by a great personage. He said, he came that day confirmed in every opinion, that he had before stated, confirmed in that opinion that no such Right or Claim vested in the Prince of Wales, as Heir Apparent, to exercise the Royal Authority during the incapacity of the Sovereign could be proved, neither from precedents drawn from history, nor from the law, nor from the spirit of the Constitution.

He reminded the Committee, that when the Right Hon. Gentleman first mentioned the Right of the Prince of Wales in this particular, the Right Hon. Gentleman had declared he was willing to wave the Motion for a Committee to search for precedents, because that he was persuaded, and the House must allow, that no precedent could be found that bore upon the particular case of a Prince of Wales, the Heir Apparent to the Crown, being of full age, and capable of taking on himself the exercise of the Royal Authority, under such circumstances as the present. There certainly was no case precisely in point undoubtedly, but though their Committee above stairs could not find a case precisely in point, they had furnished the House with many precedents from which analogies might be drawn. He called upon the Right Hon. Gentleman opposite to him to point out a single case analogous to the infancy, infirmity, or illness of a Sovereign, in which the full powers of sovereignty were exercised by any one person whatever. If the Right attached to his Royal Highness under the present circumstances, in the same manner as on the demise of his Father, an Heir Presumptive would succeed as perfectly as an Heir Apparent; and agreeable to that doctrine, those Precedents that would attach in the one case, would attach in the other. For Precedents that were analogous, he would refer the Committee to the Report on the table, the Precedents in which, though they might not throw all the light on the subject that could be wished, certainly tended to elucidate it considerably. He said, he would refer to some of these precedents, and convince Gentlemen that their result formed clear, undeniable proof, that no such Right existed as had been pretended. The first Precedent was taken from the reign of Edward the Third, when no Heir Apparent had claimed the exercise of the Royal Authority. The Parliament of those days, (whether wisely or not was no question before the Committee) provided a Council about the King's person

to act for him, a clear proof that they conceived the power existed with them to provide for the exercise of the Royal Authority. The next Precedent was in the reign of Richard the Second, when Counsellors were also appointed to exercise the regal Power. The third Precedent occurred in the infancy of Henry the Sixth; at that time the Parliament were called together by the young King's second uncle, the first being still living, but out of the kingdom, and that Act was ratified by Parliament, they not considering it sufficient that it was done by the authority of the Duke. In that instance, again, it was clear that the Regency was carried on by the Parliament. These three instances were the principal of those stated in the Report of their Committee; subsequent Precedents would prove that no one instance could be found of any person's having exercised the Royal Authority during the infancy of a King, but by the grant of the two Houses of Parliament, excepting only where a previous provision had been made.

Having thus far mentioned the power of Parliament during the infancy of a King, he said he would next state their power during the King's absence; and if in that case it should be asserted, that the Heir Apparent had a Right to exercise the Royal Authority, let the Committee consider how that assertion would stand. It had been said, that in the majority of such cases, the power had been given to the Prince of Wales. If such cases could be adduced, they would, he owned, be cases in point; but then to prove what? To prove, that such Heirs Apparent possessed no inherent right. If a right existed to represent the King, it must be a perfect and an entire right, a right admitting of no modification whatever, because if any thing short of the whole power were given, it would be less than by Right could be claimed, and consequently an acknowledgment that no such Right existed. But could any such cases be pointed out? By a reference to the Ancient Records, it would be found that the *Custodes Regni*, or *Lieutenant for the King*, had never been invested with the whole Rights of the King himself. The powers given to the *Custodes Regni* had been different under different circumstances; a plain and manifest inference thence arose, that the *Custodes Regni* did not hold their situation as a Right, but by appointment. The powers of bestowing benefices, and doing other acts of Sovereignty, had been occasionally given to the

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Custodes Regni, which shewed that their powers had always been subject to some limitation or other. After dwelling upon these proofs, that no Right to represent the Sovereign in his life-time had ever existed, as far as our Records could testify, he observed, that in modern times Lords Justices had been frequently appointed to the exercise of sovereign authority, during the residence of a Prince of age in the country.

Another instance that occurred to him was, where the exercise of Royalty had been interrupted by severe illness, and which appeared to him to be more a case in point than any other to the present melancholy moment; this was the Precedent of the reign of Henry the Sixth, where the Heir Apparent was not of full age; it would then, to supply the defect of that Precedent, be necessary to have recourse to the principles of the Constitution, and to the laws of the land; it would be found, that though the Parliament of that day provided for the moment, that they were not content with such provision, but that they looked forward to the time when the Heir Apparent should attain full age, granting him a reversionary patent, the same precisely with the Regent's, to take place when he should come of age. Thus, though they provided for allowing him at that period more considerable powers than they had suffered him before to possess, they had still not granted him the full powers of Sovereignty, but had made such limitations that proved their most positive denial of any Right existing. That instance, tho' a single one, and where the Heir Apparent was not of full age, was sufficient to shew the sense of Parliament in those days, as much as if the Heir Apparent had been of full age. If no precedent contrary to those he had stated to the Committee could be advanced, he should presume that it would be evident to the Committee, that no Right existed with an Heir Apparent, or an Heir Presumptive, to assume the functions of Royalty on the temporary incapacity of the Sovereign, nor any Rights but those delegated by the two remaining branches of the Legislature. He scrupled not therefore to declare, that no positive law, nor no analogy from any law, could be adduced to support the doctrine of Right. A record had indeed been quoted elsewhere (alluding to the House of Lords) to prove that the King and the Heir Apparent was one and the same person, and that it followed of course, that on the incapacity of
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the King, the Heir Apparent had a legal and clear Right immediately to exercise the same powers that the King had possessed; but there was a different opinion held of that record, by persons of great eminence and authority in the law, and, by their opinion, a far different conclusion was drawn from the same record, the metaphorical expression of which was not to be taken literally.

Another opinion which had been started was, that if Parliament had not been sitting, that then the Prince would have had a right to assume the Royal Authority, and summon Parliament; that he also expressly denied. Those, he said, who were like him standing up for the Rights of Parliament, and through Parliament for the Rights of the people, were peculiarly fortunate in one particular: they were as fortunate as most of those, who had truth and justice on their side, generally were; for little was left them to do, *but to controvert and overcome their antagonists, by stating to them, and comparing their own arguments and assertions, made at different times, and as the occasion suited**. It had been said elsewhere by a learned Magistrate, (who had chosen to force his own construction on their silence,) that our ancestors, if they had entertained any doubt of the Right of an Heir Apparent, would, in their wisdom, have provided for so possible a case as the present. So far from leaving it to that learned Lord's wisdom to interpret, it must, he said, be believed by the Committee, that they would have provided for it in plain, distinct, clear, and express words, and would not have left it liable to be differently understood, as different men chose, for different reasons, to say it ought to be understood; the wisdom of our ancestors, however, he conceived, was better proved by their having said nothing upon it, but left such a question to be decided where it ought to be decided, whenever the occasion required it, by the two Houses of Parliament. That the Committee might assert the same, he meant, in the Resolution he should offer, to quote that doctrine from the Bill of Rights, and assert that it rested with the Lords and Commons as the rightful Representatives of the people. If the contrary doctrine was so evident that it must be true, if the Heir Apparent, or Heir Presumptive, had a clear right to assume the Royal Prerogatives, on the interruption of those

* See a pamphlet just published by Stockdale, intituled, "POLITICAL BLOSSOMS of the Right Hon. Charles James Fox."

powers, he said, he desired to ask every Gentleman in the Committee, whether they would wish to adopt such a doctrine as a doctrine applicable to the safety of the Crown, which had been long gloriously worn by his Majesty, and which it was the ardent, the sincere wish of his people, he might long continue to wear, until it should, in due time, and in a natural manner, descend to his legal and his illustrious Successor. He deprecated the idea of avoiding the discussion of what limitations might be necessary for ensuring the safety of the Crown on the head of its present Possessor, on account of the many virtuous qualifications of the Prince, or out of respect to any other motive whatever. It would not have been wisdom in our ancestors, had they said, that the care of the person of the Sovereign ought to be vested in the Heir Apparent. He hoped in this declaration not to be misunderstood, for he was ready to acknowledge the greatest and best qualities in the present Heir Apparent; but he would rather prefer what he said to be misrepresented in any manner, and any where, than sacrifice the duty he owed to the safety of his Sovereign, and to the interests of the people. The Right Hon. Gentleman opposite him had said, on a former day, that his Royal Highness had as clear a right to the exercise of Sovereign Authority, as he would have had in case of the natural demise of the Sovereign, and that he conceived the present to be a *civil death*. Could the Committee consider his Majesty's indisposition, which was not an uncommon case, and generally but temporary,—could they conceive that his Majesty had undergone a *civil death*? He was sure they would not. If such a thing existed at the present moment, as a *civil death*, his Royal Highness would immediately ascend the Throne, with the full exercise of Royal Prerogative, and not as a Regent; for a *civil death*, like a natural death, was permanent. He stated, from Mr. Justice Blackstone, that there were but two cases in which a man could undergo a *civil death*; the first of which was, his being banished from the realm by process of common law, or by his having entered into religion, and become a monk professed, thereby taking himself for ever away from all secular concerns. The first was an act which cut off a criminal from all society within the realm, and the other was the voluntary act of retiring from the world. Would any man pretend, that either of those cases was

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analogous to the present unfortunate incapacity of his Majesty? Would any person say, that his Majesty had by process of law been disabled, or by his own voluntary act, rendered incapable of wearing the Crown? Would they assert, that acts of perpetual disability were analogous to the visitation of God, a stroke inflicted by the hand of Providence, which might, and probably would, be but temporary? Could it be pretended, that *they* ought to be adduced as acts to prevent his Majesty from in future exercising those powers which he had never forfeited, which he had never renounced?—

After having advanced so much in contradiction to the Claim of Right, he believed no one would think of asserting it. The only question then was, and to which what had passed before was but preliminary, Where did the right exist? If no provision in precedent, in history, or in law, was to be found for the exercise of such authority on the disability of the Sovereign, where was it to be found? It was to be found in the voice, in the sense of the people: with them it rested; and although in extraordinary cases, in most countries, such an event as the calamity they all deplored would have gone near to dissolve the Constitution itself, yet in this more happily tempered form of government, equally participating the advantages, and at the same time avoiding the evils of a Democracy, an Oligarchy, or an Aristocracy, it would have no such effect; for though the third estate of the Legislature might be deficient, yet the organs of speech of the People remained entire in their Representatives, by the Houses of Lords and the Commons, through which the sense of the people might be taken. The Lords and the Commons represented the whole estates of the people, and with them it rested as a Right, a constitutional and legal Right, to provide for the deficiency of the third branch of the Legislature, whenever a deficiency arose: they were the legal organs of speech for the people, and such he conceived to be the true doctrine of the Constitution. He said, he would not merely state these as his own opinions, but he would state them to be the opinions of those who had framed the Revolution; who had not, like the Committee, to provide for the interruption of regal powers while the throne was full, but to supply the deficiency of the third branch of the Legislature, which was wholly vacant. Whenever the third branch, however, of the Legislature was wholly gone, or but suffered a sus-

pension, it was equally necessary to resort to the organs of the people's speech. Agreeable to the laws of the land, to the records of Parliament, to precedent, and to the constitution, the political capacity of the King, except in cases of absolute forfeiture of the Crown, was always considered as legally entire; and during that political capacity, according to the spirit of the Constitution, if any natural incapacity should cause a suspension of the Royal Authority, it then rested with the remaining branches of the Legislature to supply such defect. In every proceeding of the Parliament in the reign of Henry the Sixth, they had acted upon such power, and declared who, and in what manner, the Royal Authority was to be exercised, for and in the name of the King. In that reign, the Duke of Gloucester claimed the Regency, and applied to Parliament for the same as his right; but the answer of Parliament to such claim was, that he neither had by birth, nor by the will of his brother, any right whatever to the exercise of the Royal Authority. They, however, appointed him Regent, and intrusted him with the care of the young King. Here was an instance of the ~~Claim of~~ Right having been actually made; and an instance likewise that it had been fully decided upon by the then Parliament, that neither from the law of the land, nor from precedent, any such right existed. The Rights of Parliament were, he said, congenial with the Constitution. He referred the Committee to every analogy that could be drawn from the principles of the Constitution, and the only Right, he said, it was clear, would be found to exist in Parliament,—a Right capable of so effectually providing for the deficiency of the third branch of the Legislature, as to enable them to appoint a power to give sanction to their proceedings, in the same manner as if the King was present. As the power of filling the Throne rested with the people at the Revolution, so at the present moment, on the same principles of liberty, on the same Rights of Parliament, did the providing for the deficiency rest with the people. He declared, he felt himself inadequate to the great task of stating the rights and privileges of the Constitution, and of Parliament; but he had made it appear, as plainly as he could, that no Right existed any where, to exercise the whole or any part of the Royal Prerogatives, during the indisposition of the Sovereign. He had also proved, that, from the necessity of the case,

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it rested with that and the other House of Parliament, to provide for the deficiency in the Legislature. He supposed, that doubts might be stated, as to the propriety of coming to any decision on the question, and that he might be charged with having stirred notions dangerous to the state; but such questions, he begged it to be remembered, *he* had not stirred. When questions concerning the Rights of the People, the Rights of the Parliament, and the interest of the nation, were started, it was necessary, if the House had a right on the subject, to exercise that right; it was their duty, it was a matter that could by no means be lightly given up. If it was their duty, in the present calamitous state of the nation, to grant power, they ought to know *how* they granted such power: they must decide either in the manner of a choice, or as acting judicially to recognize a Claim of Right; and if they recognized such claim, it would be an acknowledgment that they had no power to deliberate on the subject. If they did not come to some decision, they would confound their own proceedings, and it would be highly dangerous to posterity in point of precedent; they were not, therefore, to consult their own convenience. He remarked, that originally the Claim of Right had been asserted by the Right Hon. Gentleman in strong and lofty terms, but that the tone had been since somewhat lowered. He noticed a declaration that had been made elsewhere, of no intention of asserting a Right; but it had been made in words, and there was no parliamentary ground to go upon, that a Right would not be, at some future period in our history, attempted to be either assumed, or asserted. He declared, he could see no possibility of the Committee proceeding a single step further, without knowing on what kind of ground they proceeded, and therefore it became indispensibly necessary to have the Question of Right decided. The danger of the question originated in its having been stirred, not in its having been decided. The danger of the stirring would be done away by the decision; but the leaving it undecided, and equivocal, would be highly dangerous. The decision of both Houses could be attended with no dissension; but if the Right of Parliament was not confirmed, the measures of both Houses would be imputed, he feared, rather to motives of personal interest and convenience, than to a due regard for the interest of the country. The measures he meant to propose, were dictated from no other motives than an anxious desire,

in conformity to his duty, to provide for the safety of the King, the Rights of Parliament, and the interests of the People.

The Right Hon. Gentleman in the course of his speech took notice of the opinions stated by a noble Lord in another place, in contradiction to his assertion, that the Prince of Wales *had no more right to assume the Regency than any other individual subject*. He said, he understood that in arguing that matter, some very extraordinary modes of reasoning had been resorted to. Among other proofs, that the Rights of the Prince of Wales were different from those of other subjects, it had been said, that the Prince of Wales was, in an old Record quoted by Lord Coke, pronounced *one and the same with the King*. The fact certainly was so, but to draw from such a circumstance, an argument, that the Prince had a Right to exercise the Sovereign Authority under the present circumstances of his Majesty's unfortunate incapacity, was an inference so monstrous, that he should think he deserved censure for sporting with the gravity of the House, if he suffered himself to treat it with any thing like seriousness. In truth, a very different conclusion might be drawn from the whole of that Record, the metaphorical language of which was not to be taken in a literal sense, in that or any other point of so much importance. Another position laid down at the same time, and in the same place, was, that the Prince of Wales, as Heir Apparent, and being of full age, could assume the exercise of the Sovereign Authority, if his Majesty's infirmity had occurred when Parliament was *not sitting*, but that doctrine had been so expressly contradicted in that House by the Right Hon. Gentleman opposite to him, when the subject was last agitated, that it was needless for him to say a syllable more upon it. A third argument urged in support of the Prince's rights was, that a Prince of Wales, when he came to the Crown, could sue out an execution as King in a cause in which he had obtained a judgment as Prince of Wales. But what was there in that? The reason why the Prince of Wales had this advantage over other subjects was obvious. If the son of a Peer, who had maintained a suit in the Courts in Westminster Hall, and obtained a judgment, succeeded to his father's honours before he had sued out an execution, he could not sue out an execution without previously identifying himself, and convincing the Court that he was the same person who had prosecuted

secuted the suit, and obtained the judgement. And why was not the Prince of Wales obliged to do the same? for this plain reason, the Courts of Westminster Hall are held in the name of the King, and, therefore, in his own Courts, it must be a matter of notoriety, that on the demise of the Crown, the Prince of Wales had succeeded to it, and become King: But were these arguments multiplied ten times over, what did they prove? Merely that the Prince had rights of some sort or other, peculiar to himself; but did they prove, that he had a right to exercise the Sovereign Authority on his Father's incapacity, without the consent and declared approbation of the two remaining branches of the Legislature? No more than a proof that a man had an estate in Middlesex, was a proof that he had another in Cornwall, and a third in Yorkshire. In fact, all these arguments put together, regarded and considered with a reference to the point in dispute, viz. Whether the Prince of Wales, as Heir Apparent, had a right to exercise the Sovereign Authority, during the Incapacity of his Majesty, were so irrelevant, so foreign to the Question, and so perfectly absurd, that they were not to be relied on as Law, *even if they came from the mouth of a Judge.*

In a subsequent part of his Speech, the Chancellor of the Exchequer, talking of the strong and lofty assertion that had been at first made of the Right of the Prince of Wales, as Heir Apparent, to *assume* the exercise of the Sovereignty said, that doctrine had been *retracted*,—he begged to retract the word, not retracted, but disavowed. This reminded him of the Precedent in the reign of Henry the Sixth, during which the Duke of Gloucester quarrelled with the Bishop of Winchester, which disagreement rose so high, and was carried so far, that at length the Duke brought a criminal charge against the Bishop, accusing him of having, in a former reign advised the Prince of Wales (afterwards Henry the Fifth) to assume the Sovereign Authority in the life-time of his father, Henry the Fourth. Though this charge, if proved, would have been High Treason, the Bishop desired that it might go to the Judges, and the validity of it be enquired into. The quarrel, however, was compromised on grounds of personal convenience, and the charge never came to a legal decision. Towards the conclusion of his speech, after having established the *right* of the two

Houses of Parliament to provide the means for supplying the defect in the case of the King's incapacity to exercise the Sovereign Authority, the Chancellor of the Exchequer took care to impress the House with a conviction, that if they had a *right* they had also a duty, and that a *duty*, which neither their allegiance nor their affection to their Sovereign would allow them to dispense with. It was their duty at this time not only unequivocally to declare their Right, so that it might remain ascertained, and beyond the possibility of all question hereafter, and be secured to posterity, but to proceed without delay to exercise their Right, and provide the means of supplying the defect of the personal exercise of the Royal Authority, arising from his Majesty's Indisposition. He reasoned against the probability of their decision either causing a dissention between the two Houses of Parliament, or producing any mischievous consequences of any kind. On the contrary, if the Right was not declared as well as decided, it would appear that the two Houses had made a compromise unbecoming themselves, and had acted upon personal motives rather than a due regard to the true interests of their Country.

The *Chancellor of the Exchequer* here read his two Resolutions, as follow; and after he had read the two, he moved the first, which was agreed to *nem. con.*

I. That it is the opinion of this Committee,

“ That his Majesty is prevented, by his present indisposition, from coming to his Parliament, and from attending to public business, and that the personal exercise of the Royal Authority is thereby for the present interrupted.”

II. That it is the opinion of this Committee,

“ That it is the right and duty of the Lords Spiritual and Temporal and Commons of Great-Britain now assembled, and lawfully, fully, and freely representing all the estates of the people of this realm, to provide the means of supplying the defect of the personal exercise of the Royal Authority, arising from his Majesty's said indisposition, in such manner as the exigency of the case may appear to require.”

Resolved,

“ That for this purpose, and for maintaining entire the Constitutional Authority of the King, it is necessary that the said Lords
Spiritual

Spiritual and Temporal and Commons of Great-Britain, should determine on the means whereby the Royal Assent may be given in Parliament to such Bill as may be passed by the two Houses of Parliament, respecting the exercise of the powers and authorities of the Crown, in the name, and on the behalf of the King, during the continuance of his Majesty's present indisposition."

The *Master of the Rolls* followed the Chancellor of the Exchequer, and began upon the legal view of the question with declaring, that till within the last ten days, he never had heard of there existing any right in his Royal Highness the Prince of Wales, either to assume (as it had been first stated) or that attached (as it had been since explained) upon the declaration of the two Houses of Parliament of the temporary incapacity of the Sovereign to exercise the Royal Authority during such incapacity. Sir Richard quoted a great variety of legal authorities to prove the reverse to be the fact. He called upon the learned Gentlemen of his own profession to point out the statute that contained any recognition or declaration of such a right's existence, or any law-book whatever, and he referred to several statutes and law-books that were likely to have noticed it, if any such right had existed, but which were all of them completely silent on the subject. Sir Richard also observed upon what had fallen from a Noble and Learned Lord in another place, last Thursday, respecting the Prince of Wales and his Majesty being deemed *one and the same person* in a particular record. He said he had read the Record, and he explained to the House what its subject was, by quoting an extract from it. After a great deal of legal discussion, Sir Richard considered the precedent in the reign of Henry VI. and reasoned upon it, laying great stress upon its pointed analogous reference to the present case. Before he sat down, he declared, he had no doubt whatever, but that it was the Constitutional Right of both Houses to provide for the interruption of the Royal Authority during the continuance of his Majesty's illness. Sir Richard spoke very respectfully of the Prince in the course of his argument, and gave it as his opinion, that the best way to testify a proper respect for his Royal Highness, would be by deciding in favour of the Rights of Parliament, on the preservation of which the welfare of the Crown, and the interests of the people, so essentially depended.

Sir R. P.
Arden.

Mr. Loveden.

Mr. *Loveden* professed himself a strong friend to unanimity, thinking it a most desirable object to be attained in the conduct of the present truly important proceedings. Mr. Loveden begged to be permitted to ask the Right Hon. the Chancellor of the Exchequer two questions; one, whether by the Resolutions that had been just read, he meant to preclude his Royal Highness the Prince of Wales from being Regent and sole Regent; the other, whether by the words towards the end of the Right Hon. Gentleman's speech, relative to motives of private interest or convenience, the Committee were to understand, that such Gentlemen as would not submit to vote for the Resolution, would have their votes imputed to private interest and private convenience.

Mr. Pitt.

The *Chancellor of the Exchequer* said, he should be exceedingly happy to give any Gentleman the fullest satisfaction, if he appeared to have misunderstood any part of what he had said. With regard to the first of the two questions, viz. Whether he meant by the Resolutions to preclude his Royal Highness the Prince of Wales from being Regent, and sole Regent? he believed Gentlemen knew, that he had on Friday last very fully intimated his individual sentiments on the subject, and had declared, in express terms, *that it was, in his opinion, highly desirable, that whatever part of the regal power it was necessary should be exercised at all, during this unhappy interval, should be vested in a single person, and that person his Royal Highness the PRINCE of WALES.* The present Resolution was only calculated to declare the right of the House, in concurrence with the House of Lords, to appoint a Regent, and to leave it open for them to determine in a subsequent stage who the Regent should be. With regard to the Hon. Gentleman's conceiving that he had said, those who would not submit to vote for the Resolutions, would have their votes imputed to motives of private interest and convenience, he should be heartily ashamed if he could have been indecent enough to have been guilty of so much rudeness to that Committee, or any individual members. In mentioning the construction the world might possibly put upon their conduct at that moment, and under the peculiar circumstances of the case, he had said, that if when the essential constitutional rights of the two Houses were questioned and doubted, they refused to vote Resolutions that would decide
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upon them, and insure them to their posterity, they would render themselves liable to have their conduct imputed rather to motives of personal interest and personal convenience, than to a due regard of their duty, and that attention to the honour and safety of the Crown, as well as to the preservation of their own clear and invaluable Constitutional Rights which they owed to the country and to themselves.

Mr. *Bastard* said, he had no view in rising, but merely a wish Mr. *Bastard* to promote the public good ; he rose, therefore, without looking to the right or to the left, equally indifferent to both parties, earnestly to intreat Ministers before they pressed the Committee to come to a vote on the Question, to consider the consequences it might possibly produce. He professed himself anxiously desirous that there should be unanimity in the progress of so important a business ; and by unanimity he did not merely mean unanimity within those walls, but unanimity between the two Houses of Parliament. Should the House of Lords decide differently from that, such consequences might arise, as he could not reflect on without horror. He asked what possible advantage could result from pressing the Resolution in its present form ? He had heard a declaration made in another place, from the highest authority, that his Royal Highness the Prince of Wales never had made any Claim of Right whatever on his part, and that he felt too much sincere regard for those sacred Principles which had seated the Brunswick family on the Throne of these Realms, ever to assume or exercise any power, *be his claim what it might*, not derived from the will of the people, expressed by their House of Lords and the Representatives of the people in Parliament assembled. Why then should a Resolution be pressed, where no claim had been made, and an assurance had been given, that no claim would be made ? Mr. *Bastard* advised the leaving out the word *right*, and confining the Resolution to the words, “ that it was their *duty* to provide,” which, he said, would, in effect, answer the same end, and at the same time avoid the risque of provoking a disagreement between that and the other House of Parliament. He said, at present he believed the Right Hon. Gentleman at the head of the Exchequer, stood higher in the esteem of the people than the Right Hon. Gentleman on the side of the House on which he then spoke ; he hoped

hoped to God, therefore, a regard to his own credit and the favour in which he stood with the public, would induce him to alter his Motion, and prevent the possibility of provoking that danger which he had described, in the early part of his speech: he said, he urged this the more earnestly as he saw not the smallest possible advantage that could result from pressing the Question, worded as it was, on the Committee.

Lord North. Lord *North* begged leave to rise thus early in the evening, because he found the discussion would keep the Committee sitting late, and, he was afraid that his infirm state of health would not permit him to stay much longer. He rose not, however, to answer the Question of the Hon. Gentleman who had just sat down, and who had asked what possible advantage could be expected from pressing the Question on the Committee? For one, his Lordship said, he knew not what answer could be given to the Hon. Gentleman's question, because he saw no possible advantage that could result from it. On the contrary, he agreed with the Hon. Gentleman, that deciding the question, might lead to consequences, which it ought to be their study to avoid incurring; it appeared to be a dangerous and pernicious question. Having desired to have the question read, his Lordship said he felt most objection to the second part of this question, though he likewise felt much objection to the first part as well as to the second. The Right Hon. Gentleman had said, he was afraid, unless the Committee decided on that question, and that in the way that he thought right, that the country would conceive they had been actuated by personal motives, instead of impartial motives. It did not strike him, that by agreeing with the Hon. Gentleman, and voting that question, they would appear to have acted with greater impartiality, or that the public would be convinced that they had been actuated by motives less personal than if they did not vote it. His Lordship said, their much beloved Sovereign was at present in a melancholy state of health, and they all hoped, by the Blessing of God, that he would recover; but after the fact was established of the incapacity of their Sovereign to exercise his Royal Authority, they ought immediately to proceed to restore the third branch of the Legislature, and the sooner they did that necessary act of duty, the less, his Lordship said, would their proceedings be liable

liable to the imputation of their having acted from personal motives. He agreed, with the Right Hon. Gentleman, that the two Houses of Parliament were the true and lawful representatives of all the estates of the people. But he begged the Committee to consider, that in consequence of that melancholy misfortune which they all deplored, and which every man of feeling must deplore, they were sitting, not indeed in the form of a convention (because it happened that the two Houses of Parliament had been regularly called together,) but with not a whit more authority than a convention possessed, to do that duty which the calamity of the moment called upon them to perform. Under such circumstances, sitting there in a maimed and imperfect Legislature, they ought to confine themselves strictly to the necessity of the case, since every step they proceeded beyond the necessity of the case, was a step in error, and a step they ought not to take. Every step they had hitherto taken had been strictly justified by the necessity of the case. Without the third branch of the Legislature, they had no power, they ought, therefore, immediately to proceed to fill the vacancy that unfortunately existed, and not enter into a discussion of abstract and speculative questions, which tended only to dissension and mischief. What good could arise from deciding the present question? And if no good was likely to result from it, he hoped the Committee would go along with him in preventing the mischief, and proceed immediately to the business, the only business before them, the filling up the third branch of the Legislature. He said, he would give his vote for filling up the deficiency without saying what the rights of the two Houses were, or what they were not. An express declaration had been made elsewhere, that it never was the intention to urge the Claim: Where then existed the danger to the Rights of Parliament when no plea was offered in bar? He supposed, however, the question was only introduced to be over-ruled, and that, as they agreed as to the two great essential points, the Right Hon. Gentleman was determined they should not proceed from the first, to that which ought truly to be the second, without some altercation by the way. If there had been any question, as to who ought to be entrusted with the Regency? The Question of Right might have been with some plausibility brought forward. They were unanimous upon the

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principle ; why should they fall out about the forms ? They ought to go strait to their object, about which they were all agreed. Another objection his Lordship made, was this ; the Motion, he observed, called upon him to declare the Rights and Duties of the Lords Spiritual and Temporal. What right had that House to interfere with the Rights and Duties of the other House ? In the second part of the question he saw a project for passing a Bill, a project directly violating the fundamental principles of the Constitution, and which for that reason he could not agree to. What right had that House to make laws ? To pass a Bill, was to do an act of Legislation, and to assume into the hands of the two Houses powers that did not belong to them ; powers that the Constitution had placed in the hands of King, Lords, and Commons, in Parliament assembled, and in their hands only. The plain road of proceeding was easy and short ; proceed directly to nominate a Regent, and then when the third branch was restored, and the Legislature was compleat, they would become a Parliament perfect in all its constitutional forms, and they might legally pass any laws either of limitation, restriction, or of any other kind. But to attempt to proceed otherwise was to intrench on the Prerogatives of the Crown, while they lay at their mercy. His Lordship said, however respectable his Right Hon. Friend's opinions were, it was making him of more importance than he would wish to have annexed to him, to ground a public proceeding of that House on any opinion of his. His Lordship added a variety of other forcible and apposite remarks, and then moved that the Chairman “ Report progress and leave the Chair.”

Mr. Powys. Mr. *Powys* seconded the Motion of Amendment, and asserting that in so critical a moment as the present, every Gentleman ought to avow his opinion, proceeded shortly to state, that he was adverse to a declaration of the Rights of that House, when no claim had been made, that rendered such a declaration necessary. Mr. Powys, in the course of his speech, noticed the rashness of asserting, that the Prince of Wales had no more Right to the Regency, than any other individual subject, and made several observations on the danger of broaching such doctrines, declaring at the same time, that he did not mean any thing invidious or personal in the references to such an assertion, but merely to express his opinion, that

that any man who made an assertion of that sort, did not adopt a line of conduct likely to preserve the temper and moderation that ought to mark their proceedings on so solemn an occasion.

Mr. *Rolle* rose, in compliance with the sentiments of Mr. Powys, Mr. *Rolle*, that every man ought to avow his opinion in such a critical moment, and declared, the Question of Right was indispensibly necessary to be discussed and decided, after what had passed in that House and elsewhere ; upon which the Rights and Privileges of the Prince, of the Commons of England, and the Liberties of the People depended. It was not merely the declaration of an insignificant individual, thrown out on speculation, but it was made in a very peremptory and dictatorial manner, in the Senate of the Nation, by a person believed to be in the confidence of his Prince, surrounded by others his most confidential friends, not attempted to be contradicted or explained away by any, but even supported by one (Mr. *Sheridan*) until they had consulted their pillows, and met in Convention at an appointed place. The mere effect of words were afterwards endeavoured to be done away, but the substance and principle remained as much at issue as ever it was. A decision either way Mr. *Rolle* thought less likely to inflame, than to permit the Question to float in suspense. Mr. *Rolle* said, he always acted from the dictates of conscience, and delivered his sentiments with the same indifference to parties as his worthy colleague had declared he did. He had no doubt, whatever difference there might be in their means of attaining the end, their object was the same, the real interest and happiness of their Country, the Preservation of the Constitution, and the just Rights and Privileges of the King, the Prince, the two Houses, and the Public. He had not the same dread of a dispute between the two Houses of Parliament, nor with another Kingdom ; such imaginary fears ought not to make this House shrink from its duty and consequence. His worthy colleague was present when Mr. *Rolle* told his constituents (in unison with whose sentiments he ever wished to act) that it was measures and not men he would ever look to for his public guide ; and that so long as the Right Hon. Gentleman at the Head of the Treasury appeared to him to be actuated by principles of loyalty to the King, and of zeal and regard to the interest of the Nation and the constitutional Rights of the Subject,

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he should have his support, and no longer. He agreed with his colleague, that the Right Hon. Gentleman's conduct hitherto had been such as to entitle him to the confidence and applause of his country, which had gained him a preference in the public opinion and wishes to his opponent (Mr. Fox). He had restored our commerce, and exalted the national character, both of which were in a state of ruin and degradation when he was placed by his Sovereign, with the general voice of the people, to conduct the most important trusts of the country. On the present occasion he appeared to be actuated by an anxious and ardent wish to preserve the Rights of the Crown safe and entire, in a moment of singular calamity and misfortune, therefore his honest endeavours should have his most zealous and sincere support. Mr. Rolle professed the highest respect for the Prince of Wales, declaring no person wished more fervently for his real interest and happiness than he did; notwithstanding he would never allow him the inherent Right independent of the two Houses, yet he was ready to admit that a Prince of Wales, of full age and capacity, was the properest person to be appointed the Regent, provided he had not by any illegal or unconstitutional act forfeited such pretensions. However brilliant might be his virtues, or illustrious his character, it should never so far dazzle his eyes as to make him lose sight of the duty he owed to a lawful and much beloved Sovereign, and to the People of England. If the Prince should be the Regent, Mr. Rolle said, he should ever find him firmly attached to his true interests, and ever loyal and dutiful to himself and family. When the great Question comes, he would endeavour to discharge the great trust delegated to him by his constituents, to the best of his judgment, faithfully and conscientiously, without fear or partiality either on the one hand or the other.

Mr. Mac-
donald.

The *Attorney General* then rose and said, that as his duty required of him, he had used some industry in looking into the subject of the present debate, and had adverted to the arguments of the noble Lord, with the respect due to his ability and experience; but he must at the same time say, that the noble Lord's acute discernment never appeared to him to have failed so much as on the present occasion. The objects which the noble Lord was anxious to attain, were the very objects of the present motion—Expedition
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and constitutional certainty. No loss of time could be incurred by determining that it was the *right and duty of the Lords and Commons* to provide for the present exigency ; on the contrary, that such a Resolution was a necessary foundation for all their future proceedings, as well as to vindicate the rights of the whole community. He desired that the distinction between the *politic* or official capacity of the Crown, and the *natural* and human capacity^o of the person of the King, might ever be kept separate, for upon that distinction the whole rectitude of their proceedings depended. The *politic* capacity was *invulnerable*, the *natural capacity* not so. The former required no supply, the latter only unfortunately did. The mode in which the latter was in ancient times supplied, lay in some obscurity. Whether in tender infancy the expression of the King's will by his Great Seal was directed by his Privy Council, his great Council of Peers, or his still greater Council of Parliament, was a matter of some obscurity, but that it was so manifested is certain, and that manifestation by the Great Seal is proved by the Rolls of Parliament, uniformly to have been deemed necessary. In what shape it was to be manifested in the present instance would be the subject of future consideration. He admitted with the noble Lord, that to act, and not to determine abstract questions, was the duty of the Committee ; but that it was impossible to consider the explaining the principles upon which the Committee acted to the Community at large, as an abstract question, or so to consider it, with a view to conduct which, for the benefit of that Community, they were bound to observe. He begged leave to advert to the situation in which both Houses of Parliament, met in obedience to the King's Writ of Summons, were then placed. They were the only possible Counsellors to advise the King's *politic* capacity as to the mode in which the exercise of the *natural* capacity might be supplied, in the present situation of affairs, and dwelt for some time upon the distinction between the natural and politic capacity of the King, which constituted the difference between an absolute vacancy of the Throne, (which existed at the Revolution) and a temporary supply of some of its natural functions. He then observed, that the question had been greatly narrowed by the noble Lord's proposing in effect, that the present debate should be put an end to, upon the supposition that its continuation.

tinuation must be attended with public disquietude, and that the Heir Apparent having tendered *no formal claim*, rendered it unnecessary. He adverted to the person and the manner in which that Claim had been introduced; not by a Member of the House casually, and as it were by conjecture, but by a great statesman, anxiously, studiously, and upon full consideration, desiring to be understood^e to do it *in limine* of the whole proceeding, on the very moment of presenting the Report of the Committee of enquiring into the state of the King's health. He observed also, that a degree of acclamation had attended that proposition, and protested, with some warmth, that so long as any one Member in that Committee professed himself to adhere to that proposition, he should himself take the sense of the House upon the present question. That their ancestors, and predecessors in that House, had furnished them with two clear and perfect examples, nearly similar, at two different periods, at the distance of thirty-two years, in the reign of King Henry VI. founded, as the Parliamentary Records declare, on a search of former precedents. From that time no precedent could be expected, as no occasion called for any such provision till the reign of King Henry VIII. when Regency Acts began, which had from time to time been renewed. It would, therefore, he observed, be *leaving* their ancestors *in the lurch*, if the Committee deviated from those examples founded on all preceding practice, which proved a Regent to be unknown to the common law of the land, and a mere creature of Parliament. He enforced this by adverting to the Rolls of Parliament, which proved, that when the Duke of York was made Regent by King, Lords, and Commons, in the reign of King Henry VI. a patent was directed to be sealed in favour of the Prince of Wales when he should come of age, which demonstrated, as he contended, that without a patent, the Prince of Wales, when of age, could not claim *as of right*, must less *assume*, the Regency of this realm. With respect to disquietude of the minds of the subjects of Great Britain, he insisted that this great question having been anxiously introduced by a Right Hon. Gentleman, it must now be settled for all posterity. If the embers of that question were suffered to remain smothering, they might hereafter burst out in a conflagration, very, very difficult to extinguish; but it had been said, that

the present question was entirely new, and he would for the sake of argument take it to be so, at the same time denying that it was so. If new, this principle must be adverted to, which was the foundation stone of the liberties and privileges that British subjects enjoy: That although the necessity of some government amongst human beings is as apparent as that of food or cloathing, yet that the powers of Government must be derived from the Community at large, and that it must be clearly and distinctly shewn, that they have parted with any specific power claimed even by the Crown, much more by its substitute. The evidence of this could only be by usage or written law; and he challenged the Gentlemen of his own profession to maintain, whether there existed one single document, *dictum*, or syllable, which maintained the present doctrine, and whether there did not exist the most profound authorities to the contrary.

He then enlarged upon the several species of property, in order to shew that nothing could be derived from analogy to them, whether it consisted of personal or real property, of offices, or dignities, which could support the argument against the present question. He then conjured the House not to *skulk* from the real and substantial question of their Rights, under the shelter of a sort of previous question, but manfully to recollect that they were themselves acting, not for themselves personally, but for the people of Great Britain, and for the subjects of the empire, from the highest to the lowest. The Attorney General observed, that the dead silence of the whole law upon this common law right of a Regent, was a strong proof that it was unknown. If there were such a common law officer, he asked how our ancestors, when framing the Coronation Oath, the counterpart of the Oath of Allegiance, had not directed that it should be administered to *Regents* as well as to Kings; whereas, according to the doctrine of the day, a Regent was to step into the Throne without such pledge given to the people of the land for the enjoyment of their rights, civil and religious. This dead silence as to common law right was however interrupted by the powerful language of Parliament, when it granted a reversionary patent to the Prince of Wales, then a minor, when he should come of age. It seemed as if this had

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been done to preclude any Claim of Right for ever, and hoped we should profit by that lesson this day.

Mr. Fox.

Mr. Fox said, after what had passed, it was impossible for him to sit silent, although it had not been his intention to have troubled the Committee with much that day; and indeed if he had thought it necessary, after what the House had before heard from him on the subject, to enter into any farther justification of his opinion, which he did not, he was not from personal indisposition capable of doing that justice to its defence which he was sure it deserved. Not thinking it necessary to make such a defence, he should treat the question only in a collateral way, and therefore should not have occasion to detain the Committee very long, nor was there danger of his injuring that cause which he had engaged in, by any deficiency of reasoning resulting from his present bad state of health. After an exordium to this effect, Mr. Fox said, any man would imagine that from the weakness of the arguments advanced on the other side, those who had used those arguments wished to provoke him to debate the *Right* of his Royal Highness the Prince of Wales to exercise the Sovereign Authority, during the incapacity of the Sovereign. From the extreme futility of their reasoning, from the glaring absurdity of their inferences, the false premises that they had laid down, and the irrelevant and inapplicable precedents which they pretended to rely on, they perhaps thought that they held out a temptation so strong, *that flesh and blood could not withstand it*. Could the Right Hon. Gentleman and his friends suppose that the Committee would think them serious in supporting the system they meant to proceed upon in the present exigency, by producing the sort of precedents to which they had referred? What a miserable system must that be, the prominent features of which were so disgraceful? Was the practice of the present times, times so enlightened, and in which the principles of the Constitution were so well understood, to be grounded on precedents drawn from so dark and barbarous a period of our History as the reign of Henry the Sixth? and were the Rights of that House of Commons and its proceedings, in one of the most difficult moments that had ever occurred, to be maintained and vindicated by the example of the House of Lords, at a time that the Rights

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of the Commons House of Parliament were so ill understood, or so weakly sustained, that its *Speaker was actually in prison*, on commitment of the House of Lords; in prison upon a judgment in favour of that Duke of York, whose measures Administration had avowed it to be their intention to imitate. Let the Committee reflect a moment on the period, the infamous transactions of which were chosen to be made the model of the proceedings of this day; that period which led immediately to the wars between the Houses of York and Lancaster, and was that melancholy æra at which all the dismal scene of anarchy, confusion, civil warfare and bloodshed, that so long desolated the kingdom, and reduced it to a state of unparalleled disgrace and distress, commenced? Were the Committee to select their Precedents from such times, and to govern their conduct by such examples? From a time, too, when the House of Commons was prostrate at the feet of the House of Lords, when the third Estate had lost all energy and vigour, and when all the power lay wholly in the hands of the Barons? Precedents drawn from such times could not be resorted to with safety, because there was no analogy between the Constitution then, and the Constitution as established at the Revolution, and since practised. All Precedents taken from periods preceding the Revolution, must be Precedents that bore no analogy to the present case; because at no one period before the Revolution was civil liberty clearly defined and understood, the rights of the different branches of the Legislature ascertained, and the free spirit of our Constitution felt and acknowledged. The earlier periods of our History were such as only shewed the changes of hands into which power shifted, as the circumstances of the times ordained. In one reign the power would be found to have been in the King, and then he was an absolute tyrant; in others the Barons possessed it, and held both King and Commons in the most slavish subjection; sometimes the democracy prevailed, and all the oppressions of a democratical government were practised in their fullest enormity. No Precedent, therefore, drawn from times so variable, where right and wrong were so often confounded, and where popular freedom had neither an existence nor a name, ought to be relied on. Amidst all the Precedents, he desired to know if they had found one of a Prince of Wales, of full age and full capacity, who

had been denied the exercise of the Sovereignty during the known and declared incapacity of the Sovereign? One of the Precedents the Right Hon. Gentleman had mentioned leant rather that way; he meant the Precedent in the reign of Edward the Third, where the Prince of Wales, though a minor, was declared Regent in the absence of his father. With regard to what the Right Hon. Gentleman had stated of the quarrel between the Cardinal de Beaufort and the Duke of Gloucester, was that at all in point to the case to which the Right Hon. Gentleman had so invidiously applied it? What was that charge?—A charge that Cardinal de Beaufort had, in the reign and during the life-time of Henry the Fourth, advised the Prince of Wales (afterwards Henry the Fifth) to take upon himself the exercise of the Sovereign Authority. Was there the smallest degree of analogy between the illness of Henry the Fourth, and the known cause of the incapacity of our present Sovereign? Henry the Fourth was afflicted with a languor, the natural concomitant of age, and, in his case, the consequence of a fever, and long sickness; but was Henry the Fourth therefore incapacitated from the exercise of the Sovereign Authority? By no means; he might not be able to meet his Parliament, but most undoubtedly he was not disabled from executing public business of any other kind. He was in full possession of his mental faculties, could issue his orders, and instruct his Ministers, just as well as he could do either in the fullest vigour of his youth. To advise the Prince of Wales, therefore, under such circumstances, to take upon himself the exercise of the Sovereign Authority, was to advise him to be guilty of High Treason, and had the Prince of Wales been so advised, and followed the advice, he had no scruple to say, the Prince would have been guilty of High Treason, and have subjected his life to forfeiture. It was no wonder, therefore, that Cardinal de Beaufort, feeling the weight of such an accusation, as that urged against him by the Duke of Gloucester, and knowing the serious consequences it led to, should such a charge be proved against him, acted wisely in avowing his innocence, standing upon his defence, and desiring that the matter might be referred to the Judges, that he might be purged of the guilt imputable to so foul an offence.

On the present occasion there had been, he observed, two assertions of positive Right on both sides the House; on his side, the assertion of the *Right* of the Prince of Wales, being Heir Apparent, and of full age and capacity to exercise the Sovereign Authority during his Majesty's infirmity; on that of the Right Hon. Gentleman, the assertion, that the Prince had *no more Right* to exercise the Sovereign Authority under such circumstances, than any other individual subject. He did not understand the invidious dignity he had been exalted to on this occasion, nor, could he admit what the Hon. and learned Gentleman, who spoke last, had been pleased to lay so much stress upon, that any opinion delivered in that House by so humble and insignificant an individual as himself, or by any Member of what rank and degree soever, ought to be made the ground of a proceeding of the House. But since the Right Hon. Gentleman was determined to make a personal Question between them, since he condescended to consider himself his Rival, and chose to have recourse to his majority, why would he not try his opinion, and let the Question be, "That it is the opinion of this Committee, that his Royal Highness the Prince of Wales, being Heir Apparent, and of full age and capacity, *has no more Right to exercise the Royal Authority, during his Majesty's Incapacity, than any other individual subject.*"

The Right Hon. Gentleman well knew, he dared not venture to subject such a question to debate. He well knew, that with all his Majorities, he could not risque it: he well knew, that if he could have so far lost sight of prudence as to have hazarded such a question, notwithstanding his high character, and his known influence within those walls, there would not have been twenty Members, who would have supported him in it. In fact, he well knew, that the moment he let such an opinion escape his lips, it was execrated by all who heard it, and that it had been since execrated, by all who had heard of it, out of doors. What had been the consequence of this? conscious of his error, and conscious that so monstrous a doctrine as he had suffered himself, in an evil hour, to deliver, had revolted the public mind, the Right Hon. Gentleman had seized on the first moment that offered, to qualify what he had said, by unnecessarily coming forward with a declaration that, though he would not admit the Prince of Wales's *Right* to

exercise the Sovereign Authority, during the incapacity of his father, yet he confessed that on grounds of expediency, and as a matter of discretion, the person to hold the Regency ought to be the Prince of Wales and no other. This mode of argument, Mr. Fox said, reminded him of what had passed in that House about 13 years ago, between an eminent Crown Lawyer, now the first Law Character in the kingdom [the Lord Chancellor] and himself. At the time to which he referred, the argument had been the Right of this Country to tax America, when he had contended, “that Great Britain had an undoubted Right to tax her American colonies, but that the exercise of that Right would be in the highest degree unjustifiable on the part of Great Britain.” In answer to this, the great Lawyer, with a quaintness peculiar to himself, had said, “I should be glad to know what that *Right* is, which, when attempted to be exercised, becomes a *Wrong*.” In the present case, the Right Hon. Gentleman had acted upon the converse of the great Lawyer’s maxim, he had pronounced the *Right* a *Wrong*, and having done so, he had immediately proceeded to exercise it in the most effectual manner. In one point of view, and in one point of view only, could he imagine the existence of a *Right*, which, when exercised, might become a *Wrong*, and that was this: The three Branches of the Legislature, consisting of King, Lords, and Commons, had a Right to authorize and act a *moral evil*. They might set aside the succession, and deprive the Prince of Wales of his Hereditary Right to succeed his present Majesty, but this enormity could not of Right be practised by the two Houses of Parliament, independent of the consent of the Sovereign, any more than the Minister could set himself up in competition with the Prince of Wales, and contest with him as a claimant for the Regency. He repeated his opinion, that a Right attached to the Prince of Wales, as Heir Apparent, to exercise the Sovereign Authority, upon the King’s incapacity being declared by the two Houses of Parliament; the Prince’s Right, however, being all along considered as subject to the adjudication of both Houses of Lords and Commons. This opinion he had not changed, nor did he feel the smallest disposition to change it; and indeed the Hon. and learned Gentleman, who spoke last, seemed to be so much of his opinion, that he had, if he understood him rightly, expressly declared, that in case of the de-

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mise of the Crown, nothing short of an Act of Exclusion could prevent the Prince from succeeding to the Throne, and that even nothing short of such conduct as would deservedly warrant an Act of Exclusion, ought to set a Prince of Wales, of full age, and full capacity, aside from the Regency. The counter opinion to his was fraught with so many, and such enormous evils, that he was persuaded, no moderate man, who considered the subject with the degree of attention that it most undoubtedly merited, would for a moment maintain it, either on the ground of right, of discretion, or of expediency. Whatever his opinion was, why should that right be discussed, which had been neither claimed, nor was intended to be claimed? That this was the precise state of the fact, was not to be doubted, since the declaration that had been so graciously communicated from the highest authority in another place. Of the manner in which that communication had been made, and the commendation that was due to the exalted personage who made it, he would not say one word, because he would not run the risque of having what was due to merit, mistaken for fulsome adulation, and servile flattery. But the claim thus disavowed, how must the preamble of a Bill run, truly to describe the case as it stood at present. “Whereas his Royal Highness the Prince of Wales, “never having claimed a Right to the Regency, it becomes necessary for the Lords Spiritual and Temporal, and for the Commons of England to declare, that his Royal Highness has no “right, and we therefore do hereby declare his Royal Highness “Sole Regent of these kingdoms.” Mr. Fox reasoned on the absurdity of a Bill so worded, and contended, that it must be so worded, unless they falsified the fact, and made a course of law a ground work of the Bill. He observed, that all this difficulty and embarrassment was created, when there was not the smallest occasion for it, since it was the concurrent opinion of all mankind, that the Prince of Wales should be the Regent; why then would the Right Hon. Gentleman thus agitate the matter, unless it were for the little purpose of personal triumph? He condemned the boasting language that had been held on this occasion of gratitude to the Sovereign, and the strong assertions that had been made, that such gratitude should be exemplified by the conduct of those, who confessed themselves under personal obligations to the Sovereign.

Personal attachment, he contended, was no fit ground for public conduct, and those who had declared they would take care of the rights of the Sovereign, because they had received favours at his hands, betrayed a little mind, and warranted a conclusion, that if they had not received those favours, they would have been less mindful of their duty, and have acted with less zeal for his interest, than if they had not been indebted to him for any favours. He owned himself indebted to the Heir Apparent for having been for several years favoured with his confidence, but neither that flattering mark of distinction had not been made the subject of his speeches in that House, nor had he ever considered it as a proper motive for his public conduct. Neither on the present occasion, nor at any time, if he thought the objects of his Royal Highness incompatible with the public interests, should he think he paid a compliment to the Prince, any more than he should think he acted consistently with what was due to his own character, in suffering the consideration of the terms on which he lived with his Royal Highness, to bias him in the smallest degree, or induce him to act contrary to what he, in his conscience, thought most likely to promote the welfare of the public. Whereas the Right Hon. Gentleman appeared to act upon a very opposite principle, and repeatedly introduced the name of the Sovereign, though seldom for any other purpose, than an ostentatious display of the confidence reposed in himself.

To the House of Brunswick this country stood in an eminent degree indebted; indeed, few Princes ever deserved the love of their subjects more than the Princes of that House. Since their accession to the Throne, their Government had been such as to render it highly improbable that there should ever be ground for an Act of Exclusion to pass to set aside one of their Heirs from the succession, or that such a circumstance should ever become a necessary subject of contemplation. If the Princes of the House of Brunswick had at any time differed with their subjects, it had been only on collateral points, which had been easily adjusted in Parliament. No one of the Princes of that House had ever made any attempt against the constitution of the country, although had such a mischievous design been meditated, there had at most times been a party existing that would have been ready to abet them in any scheme

scheme the blackest and most fatal that ever tyrant devised against the liberties or the happiness of his subjects. The love, therefore, of the people was due to the illustrious family on the Throne, in so peculiar and eminent a degree, that every thing that looked as if it could at any distance endanger the hereditary Right of the House of Brunswick to the succession, ought to be guarded against with peculiar jealousy and peculiar caution. Exclusive of the concurrence of the public voice, not only the spirit of the constitution pointed out the Heir Apparent as the fittest person to be Regent, but the Act of Settlement might be defeated if his Royal Highness were passed by, and the doctrine of the Right Hon. Gentleman carried into effect. In adhering to the principles of the Act of Settlement, there could be no ill; if, as the Hon. and learned Gentleman had said, there should be a Prince of Wales, whose political principles were so depraved, that in opposition to his own natural interests, he should have followed the example of Charles the First, and James the Second, either in the one instance indicating a determination to become a Tyrant, and destroy the liberties of his subjects, by subverting the Constitution, or in the other should so connect himself with France, and the political enemies of his country, that every thing fatal was to be dreaded from his Government, such a Prince of Wales ought to be excluded from the Regency, in like manner as he undoubtedly would be excluded from the Throne, on the natural demise of his father, or predecessor. But then the Bill of Exclusion to pass in such case, must be the work of the Legislature complete, and not the Act of two branches of the Legislature only. Let the Committee consider the danger of making any other person Regent besides the Prince of Wales! If the two Houses could *choose* a Regent, they might choose whom they pleased; they might choose a Foreigner, a Catholic, (for the law defines not the Regent) who, while he held the power of the Third Estate, might prevail on the other two Branches of the Legislature to concur with him, alter or set aside the succession, and turn away the House of Brunswick, and put them in the situation of the House of Stuart. He saw this doctrine was deemed extravagant, but he meant to put an extravagant case; he had not, however, put an impossible one; let them turn to the favourite period of our history, favourite at least with the other

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side of the House that day, the reign of Henry VI. and they would find that Richard, Duke of York, took advantage of his power as Protector of the kingdom, actually disinherited the Prince of Wales, and the whole line of Lancaster, though they were more nearly allied, and had much better pretensions to the Crown than the House of York. The same dismal scene that had disgraced our annals at that period might be acted over again, if the two Houses of Parliament ever concurred to subvert the Constitution, by assuming to themselves the exercise of the Royal Prerogative, and arrogating the right to legislate and make law in the teeth of the statute of the 13th of Charles the Second, which he had on a former day had occasion to mention, and which not only declared, that the two Houses of Parliament could not make laws without the consent and concurrence of the King, but also declared, that whoever should presume to affirm the contrary, should be guilty of High Treason, and incur the pains and penalties of a *premunire*. To make a law for the appointment of a Regent, he considered, so far as it went, as a conversion of the succession to the Monarchy from hereditary to elective, and what sort of a Constitution that was, which had an elective Monarchy, Poland, and the miserable condition of its subjects, sufficiently evinced. The right to make Laws, rested only in the Legislature complete, and not in the concurrence of any two Branches of it. Upon that very principle was our Constitution built, and on the preservation of it, did its existence depend. Were the case otherwise, the Constitution might be easily destroyed, because if the two Branches could assume the power to make Law, they might, in that Law, change the genius of the third Estate. The present situation of affairs had, he said, been compared to the Revolution, but, in fact, it was no ways similar. The Throne had then been declared *vacant*, and the rest of the Constitution remained; now the Throne was declared *full*, but its authority was suspended. At the period of the Revolution, the Convention that was then assembled, conscious that they could not make any change in the genius of the Monarchy until they had a head, first restored the third Estate, and then defined its power. Whereas the Committee were called on to proceed in a different way, first to new-cast the Office, and then to declare the Officer. He asked what must be the situation of a Regent elected by that House?

House? He must be a pageant, a puppet, a creature of their own, *sine pondere corpus*, an insult and a mockery-insult on every maxim of Government! He defined the nature and character of the three Estates. The Constitution supposed each of its three branches to be independent of the other two, and actually hostile, and if that principle was once given up, there was an end to our political freedom. Suppose that the Crown and House of Lords could make laws without the concurrence of the House of Commons, or the Crown and the Commons independent of the Lords, or the two Houses of Parliament without the Crown; in either case, the Constitution was gone. The safety of the whole depended on the jealousy of each of the other; not on the patriotism of any one branch of the Legislature, but rather on the separate interests of the three, concurring through different views to one general good, the benefit of the community. A principle congenial to human nature, prone to the extension of power, and to the depression of a rival. All these principles and arrangements would be destroyed by the present project, which would radically alter the Government, and of consequence overturn the Constitution. He explained the particular powers of the Crown to defend itself against any encroachment on the part of the Commons or to resist any faction in the House of Lords. In the one case, by a Dissolution, the King might repel the attempt on his prerogative, and by an encrease of the Peerage, he might quell the other.

He argued also on the power of giving either an *assent* or *dissent* from any Bill, a power which operated equally against the single design of one, or the confederate union of both Houses, to trench on the constitutional rights of the Crown, and pointed out the disadvantage of subjecting the Sovereign to such difficulties as it would be liable to encounter, were the power of dissolution, encrease of Peerage, and right of giving the assent or dissent to Bills taken away. If there was to be a Monarch, he concluded that the Monarchical Power ought to be entire, declaring that the name and rank of a King, without the possession of regal powers, was a being that did not come within the reach of his conception. If it appeared to the House that the Royal Prerogative ought to be circumscribed, let them invest a proper person with it, and then openly and manfully contend for the circumscription or diminution

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of its powers; but to aim at an adversary incapable of resistance, was neither brave nor noble. He pointed out the danger of making the Regency elective, and of the two Houses sitting aside the hereditary right to it; insisting, that the possession of the Crown, and of the executive authority, must, in the nature of things, be governed by the same principles. In order to illustrate this, he put the case of a Polander asking an Englishman whether the monarchy of Great-Britain was *hereditary* or *elective*? Any man familiar with the theory of the Constitution would naturally think, that the ready answer would be, that it was hereditary. But if the doctrine of that day prevailed, the answer must be, "I cannot tell; *ask his Majesty's Physicians*. When the King of England is in good health, the monarchy is *hereditary*; but when he is ill, and incapable of exercising the Sovereign Authority, it is *elective*." The assertion that the British monarchy was elective, was, however, so palpably hostile to the principles of the Constitution, that it would not be tolerated for a moment. How then was the difficulty to be surmounted? A subtle and politic lawyer might be found, who would plausibly advance, that though it must be allowed that the Monarchy was hereditary, the Executive Power might be elective. Thus the Crown and its functions might be separated, as if they were in their nature distinct, whereas the one was the essence, and the other the name. He pursued his argument in an hypothetical dialogue between the Englishman and the Pole, with the occasional aid of the politic Lawyer, to reconcile contradictions, and explain apparent impossibilities, very forcibly holding up to ridicule the argument of the gentlemen of the long robe, that the political, as well as the natural capacity of the King, remained whole and entire, although he was declared incapable of exercising his regal functions. If the Crown was to have no functions, why there should be a King, was beyond his imagination to discover. The legal metaphysics which distinguished between the Crown and its functions, were to him unintelligible; they should be *Schoolmen* and not *Statesmen*, fitter for Colleges of Disputation, than a British House of Commons, if a Question that so deeply involved the existence of the Constitution was to be thus discussed. He asked, where was that famous *dictum* to be found, that declared

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the Crown to be guarded by such sanctity, and left its powers at the mercy of every assailant.

After exposing what he termed the absurdity of legal metaphysics, and calling upon the Gownsmen to shew him the *dictum* that supported the opposite assertion, viz. that the Prince of Wales had no more right to exercise the Sovereign Authority, during his Majesty's incapacity, than any other individual subject, Mr. Fox proceeded to notice that part of the argument advanced against him, that he had deserted the cause which he had hitherto been supposed to claim the peculiar merit of standing forth on all occasions to defend, viz. the privileges of the House of Commons, against the encroachments of the Prerogatives of the Crown. He said, his own resistance of the latter, when it had been thought encreasing unconstitutionally, were well known; the influence of the crown had been more than once checked in that House, and he really believed to the advantage of the people. Whenever the executive authority was urged beyond its reasonable extent, it ought to be resisted, and he carried his ideas on that head so far, that he had not scrupled to declare, that the supplies ought to be stopped, if the Royal Assent were refused to a constitutional curtailment of any obnoxious and dangerous prerogative. Moderate men, he was aware, thought this a violent doctrine; but he had uniformly maintained it, and the public had derived advantage from its having been carried into effect. He desired to ask, however, if this were an occasion for exercising the constitutional power of resisting the prerogative or the influence of the Crown in that House? He had ever made it his pride to combat with the Crown in the plenitude of its power, and the fullness of its authority; he wished not to trample on its rights, while it lay extended at their feet, deprived of its functions and incapable of resistance. Let the Right Hon. Gentleman pride himself on a victory obtained against a defenceless foe, let him boast of a triumph where no battle had been fought, where no glory could be obtained. Let him take advantage of the calamities of human nature, let him, like an unfeeling Lord of the Manor, riot in the riches to be acquired by plundering shipwrecks, by rigorously asserting a right to the waifs, estrays, deodands, and all the accumulated produce
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of the various accidents that misfortune could throw into his power. Let it not be his boast to have gained such victories, obtained such triumphs, or advantaged himself of wealth so acquired.

After putting this, Mr. Fox recurred to the main argument, and declared, that all the labour of the Committee appointed to search for Precedents had been fruitless, for that not one of the Precedents applied. If they tended to prove any thing, it was to establish the Prince's Right, since in all of them the nearest relative to the Crown, if in the kingdom, had been appointed the Regent, especially a Prince of Wales. In the reign of Edward the Third, his son, commonly called the Black Prince, was declared Regent at only thirteen years of age, during the invasion of France by his father; and afterwards, during the absence of Edward and the Prince, his brother, Lionel Duke of Clarence was appointed. The Regencies in the reign of Henry the Sixth, proved the Right of the Prince of Wales the more fully, because in that reign the Right of the Prince of Wales was recognized, (although he was not a year old) in the very Patent that appointed the Duke of York Protector.

Mr. Fox took notice of the remark made by an Hon. Gentleman in his speech, (Mr. Balford,) that the Right Hon. Gentleman opposite him stood higher in the opinion of the public at present, than he did. He said, before any Gentleman took upon himself to pronounce on such topics, he ought to be sure he was right in his assertion. He had every reason to believe the Hon. Gentleman was mistaken in what he had said, having lately had an opportunity of meeting his constituents, and having then received the most unequivocal and flattering proofs of their confidence and kindness. He agreed, however, most cordially with that Hon. Gentleman, in every observation that he had made of the probable effects of the present motion, if persisted in, with regard to Ireland, and the creation of a difference between the two Houses of Parliament. With respect to Ireland, he said, if the two Houses of the British Parliament named the Prince of Wales as Regent of Right, most probably the Parliament of Ireland would do the same: if they speculated,

the Irish Parliament would speculate. Decide wisely, and their decision would be held an example. Set the Question of Right afloat, and it was impossible to say to what extent it might be carried. He once more questioned the necessity for the present proceeding, and urged the fallacy of pretending that the opinion *he*, a private Member of that House, had delivered, and the opinion a noble and learned friend of his had delivered elsewhere, made it necessary. He reprobated the indecency of selecting the arguments of his noble and learned friend, and falsely applying them, merely for the purpose of placing them in a ridiculous point of view. The Right Hon. Gentleman must have known that the arguments of his noble and learned friend, were arguments merely advanced to prove that the Prince of Wales, as Prince of Wales and Heir Apparent, had Rights peculiar and distinct from those of ordinary subjects, and not with a view to prove his Right to exercise the Sovereign Authority. The manner, therefore, in which the Right Hon. Gentleman had answered those arguments, betrayed a narrowness of mind that he had not imagined the Right Hon. Gentleman would have condescended to have acknowledged. Having dismissed this part of the subject, Mr. Fox desired to know the use of bringing forward a Question of Right, when the expediency of constituting the Prince of Wales Regent was on all hands agreed on. He charged the Chancellor of the Exchequer with a determination to legislate, without the power to do so effectually, which would alter the genius of the Third Estate, without any crime alledged against either the Sovereign, declared for the present incapable to exercise the Royal Authority, or the intended Regent. He said, if they could make whom they pleased Regent, they could appoint the Regent for a day, a month, or a year, turning the monarchy into a republic, as had been the case with Rome. And while the Right Hon. Gentleman denied that the Prince of Wales had any more right than he had, he confessed it would be a breach of duty to think of any other Regent, and all this for the paltry triumph of a vote over him, and to insult a Prince, whose favour he was conscious *he had not deserved*. Mr. Fox declared, he was ready to admit that the Right Hon. Gentleman's administration had been in some respects entitled to praise; he was ready to say what were the parts
that

that most deserved commendation, and as willing to give them his applause as any man could be. What he alluded to, were the measures adopted to detach Holland from its connexion with France. The whole conduct of that transaction, as well as its issue, was wise and vigorous, laudable and effectual, and he was happy to take that opportunity of delivering his sentiments upon it. Of other measures of the present administration, he certainly entertained a very different opinion. The Right Hon. Gentleman, however, appeared to have been so long in the possession of power, that he could not endure to part with it; he had experienced the full favour of the Crown, and had the advantage of exerting all its prerogatives, and finding the operation of the whole not too much for the successful carrying on of the Government, he had determined to cripple his successors, and deprive them of the same advantages that he had enjoyed, and thus circumscribe their power to serve their country, as if he dreaded that they would shade his fame. Let the Right Hon. Gentleman for a moment suppose, that the business of detaching Holland from France, or any contingency of equal importance, remained to be executed; he must know there would be no power in the country to seize the advantage, if the Right Hon. Gentleman's principles were right. Mr. Fox called upon every honest Member of that House, not to vote without perfectly understanding what the Question went to, as well as the other Resolutions. With regard to the Right Hon. Gentleman's motives, he knew not what they were; but if there was an ambitious man in that House, who designed to drive the empire into confusion, his conduct, he conceived, would have been exactly that which the Right Hon. Gentleman had pursued.

Mr. Pitt

The *Chancellor of the Exchequer* said, in reply to Mr. Fox's speech, that the Right Hon. Gentleman had thought proper, particularly in the latter part of his speech, to digress from the question before the House, the Question of *Right*, in order to enter into the Question of *Expediency*, and that not so much for the purpose even of discussing that expediency, as to take an opportunity of introducing an attack of a personal nature on him. The House would recollect, whether the manner in which he (Mr. Pitt) had opened the debate, either provoked or justified this

animo-

animosity. The attack which the Right Hon. Gentleman had just now made, he declared to be *unfounded, arrogant, and presumptuous*. The Hon. Gentleman had charged him as acting from a mischievous spirit of ambition, unable to bear the idea of parting with power, which he had so long retained; but not expecting the favour of the Prince which he was conscious he had not deserved, and therefore disposed to envy and obstruct the credit of those who were to be his successors. Whether to *him* belonged that character of mischievous ambition, which would sacrifice the principles of the Constitution to a desire of power, he must leave to the House and the country to determine. They would also judge, whether in the whole of his conduct, during this unfortunate crisis, any consideration which affected his own personal situation, or any management for the sake of preserving power, appeared to have had the chief share in deciding the measures he had proposed. As to his being conscious that he did not *deserve* the favour of the Prince, he could only say, that he knew but one way in which he or any man could deserve it; by having uniformly endeavoured, in a public situation, to do his duty to the King his father, and to the country at large. That if, in thus endeavouring to deserve the confidence of the Prince, it should appear that he in fact had lost it, however painful and mortifying that circumstance might be to him, and from whatever cause it might proceed, he might indeed regret it, but he would boldly say, that it was impossible he should ever repent of it. Mr. Pitt then proceeded to remark on the Right Hon. Gentleman having announced himself and his friends to be the successors of the present administration. He did not know on what authority the Hon. Gentleman made this declaration; but he thought, with a view to those questions of Expediency which the Hon. Gentleman had introduced, both the House and the country were obliged to him, for this seasonable warning of what they would have to expect. The nation had already had experience of that Hon. Gentleman and his principles. Without meaning to use terms of reproach, or to enter into any imputation on his motives, it could not be denied that they had openly and professedly acted on the ground of availing themselves of the strength of a party, to *nominate* the Ministers of the Crown. That they maintained it as a funda-

mental principle, that a Minister ought at all times so to be nominated. He would therefore speak plainly. If persons, who professed these principles, were in reality likely to be *the advisers of the Prince* in the exercise of those powers which were necessary to be given during the present unfortunate interval, it was the strongest *additional* reason, if any were wanting, for being careful to consider what the extent of those powers ought to be. That it was impossible not to suppose, that, by such advisers, those powers would be perverted to a purpose, which it was indeed impossible to imagine the Prince of Wales could, if he was aware of it, ever endure for a moment, but to which, by artifice and misrepresentation, he would unintentionally be made accessory, for the purpose of creating a permanent weight and influence in the hands of a party, which would be dangerous to the just rights of the Crown, when the moment should arrive (so much wished, and perhaps so soon to be expected) of his Majesty being able to resume the exercise of his own authority. The notice, therefore, which the Hon. Gentleman, in his triumph, had condescended to give to the House, furnished the most irresistible reason for them deliberately to consider, lest, in providing for the means of carrying on the Administration during a short and temporary interval, they might sacrifice the permanent interest of the country in future, by laying the foundation of such measures as might for ever afterwards, during the continuance of his Majesty's reign, obstruct the just and salutary exercise of the constitutional powers of Government in the hands of its Rightful Possessor, the Sovereign, whom they all revered and *loved*.

The Chancellor of the Exchequer then proceeded to state what appeared to be the result of the debate. The noble Lord in the blue ribband, he said, as most Gentlemen who had spoken on that side of the House, had argued not against the truth of the Resolutions, but the propriety of coming to them, and had waved any dispute on the Question of Right. The Right Hon. Gentleman, though he affected also to object to the propriety of coming to this Resolution, had directed his whole argument (as far as it went) to combat the truth of the Proposition, and to maintain his former assertion in favour of the existing Right of the Prince of Wales. That this line of argument, supported by such authority,

rity, was itself an answer to those who doubted the propriety of any Resolution.—With regard to the particulars of Mr. Fox's argument, he observed on the manner in which he (Mr. Fox) supposed him to have declined maintaining his former assertion, “ That the Prince of Wales had no more right to the Regency, than any other subject in the country,” and had added, that he did so from believing that not twenty persons would join in supporting that Proposition. The Chancellor of the Exchequer said, that he did not retract *one word* of that assertion. Gentlemen might quarrel with the phrase, if they thought proper, and might misrepresent it as the Hon. Gentleman had done, in order to cover the arguments used by a noble Lord in another place. But he was in the recollection of the House, whether when he first used the expression, he had not guarded it, as meaning to speak *strictly of a Claim of Right*, not of any reasons of preference on the ground of discretion or expediency. It was also in their recollection, whether the Right he spoke of, was any other than the *specific Right in question*, namely, *the Right to exercise the Royal Authority under the present Circumstances*. He had maintained that the Prince *had no such Right*. If the Prince had not the Right at all, he could not be said to have any more Right than any other subject in the country. But was it any answer to the assertion, that *as Prince of Wales he had no Right to the Regency*, to say that he had other rights different from the rest of the King's subjects, but which had nothing to do with the Regency? Yet all the Rights of the Prince of Wales, which had been mentioned by the Noble Lord alluded to, were of this description. It would be just as reasonable if the question were, whether any person had a right to a particular estate in Kent or Surry? to argue, Yes, he has, for he has such and such an estate in Yorkshire and in Cornwall. With regard to the question, whether twenty persons did or did not agree in his denial of the Right of the Prince of Wales, he would put the whole on that issue, that if the Prince of Wales had any such Right, the Resolution he had moved could not be true; and he considered every person who differed from his assertion on that subject, as bound to vote against the present Motion. He then observed, that Mr. Fox, in discussing the Question of Right, had gone on to observe, that the Right of the two Houses, and the

of the Prince of Wales, were to be considered as two *rival Rights*, and that the only question was, in favour of which the arguments preponderated. The Chancellor of the Exchequer observed, that he should be perfectly ready to meet the question on this issue, if it were the true one, for that the Right of the two Houses was clearly supported by precedent and usage in every similar case, by express declarations of Parliament, and by positive authority of law ; but the Right of the Prince of Wales was not even attempted to be supported on any of those grounds, but on pretended reasons of expediency, founded on imaginary and extravagant cases. That, however, in fact, this was not the fair issue of the argument. The Right of the Prince of Wales was not to be considered as a rival Right, to be argued on the same grounds as the other. It was a Right which could not exist unless it was capable of being *expressly* and *positively* proved ; whereas the Right of Parliament was that which existed of *course*, unless some other Right could be proved to exclude it. It was that, which, on the principle of this free constitution, must always exist in every case where no positive provision had been made by law, and where the necessity of the case, and the safety of the country called for their interposition. That the *absence* of any other Right was in itself enough to constitute the Right of the two Houses, and that the bare admission that the Right of the Prince of Wales was not clearly and expressly proved, was in fact an admission of every thing then in debate.

Mr. Fox. Mr. Fox rose again, to deny that he had *insinuated* that he was to have a share in the new government. As there were appearances of a probable change of men and measures, there was, he admitted, a *probability* of his having a share in the executive government of the country ; but he had never taken upon him to affirm it as a positive fact. He might, however, venture an assertion, that if the Right Hon. Gentleman was not certain of a change, if he had been assured of the contrary, there would have been *no limitation* to the power of the Regent. He cautioned the House against a misrepresentation of the question. He said, that they were going to be *entrapped* into a *decision* of an *abstract nature*, which might afterwards prove dangerous to the Constitution.

The *Lord Advocate of Scotland* said, that he did not see how the *L. Advocate* general Question of Right could be waved, unless both Houses were ready to declare, that the Prince of Wales should not only be Regent, but invested with all the Royal Powers, without limitation or distinction; for if a limitation of any kind was to be the subject of debate, it did not seem possible to avoid a previous discussion of the Right. As to the question itself, he hoped it would be considered, that they were not met to deliberate upon a settlement of the kingdom of England alone; he thought it necessary to enquire into the constitution of England and of Scotland separately before the Union, and of Great Britain since. He had heard it very confidently affirmed, that were the supposed inherent Right of the Heir Apparent, to exercise the Royal Powers upon such occasions as the present, to be disallowed, the consequence would be, a virtual dissolution of the Union, the rule being fixed in Scotland in favour of such hereditary and legal Claim of Right: but he would take the liberty of asserting, with equal confidence, that the proposition had no real foundation. It was true, that by the law of that country, the Right of *private* guardianship did in certain circumstances attach upon the nearest male kinsman by the father's side, aged 25: and in the earlier periods of the Scottish monarchy, little distinction seemed to be made between the situation of a private guardian, and that of the person who acted for the King in his nonage, insomuch that some law authorities of great respectability had laid it down, that the powers of a Regent were merely *tutorial*, and it had been determined by the Parliament of Scotland, in the reign of James I. that the Duke of Albany, when Regent, could neither restore a person forfeited for treason, nor grant lands which had fallen to the Crown by bastardy. It was well known, that the powers of a private guardian were of the most confined nature, as going no further than the exigency of the case required, and merely for the purpose of ordinary management; but he thought it wrong to compare that case with the government of a kingdom, where powers of a very different nature were necessary to be given.

As to the appointment of a Regent, whatever his powers might be, the same had always been made in Scotland, as in England, under the sanction and authority of the States of the kingdom,

either previously given, or afterwards interposed, and sometimes the next heir of the Crown had been chosen; sometimes not, sometimes one Regent, at other times more than one. Many of the kings of Scotland having fallen in battle, and some by the hands of their subjects, when the power of the aristocracy was too great; there had been more infant successors, and more regencies in Scotland, than in most other countries; and the States of the kingdom had repeatedly shewn, that they did not consider any individual whatever as having a fixed legal right to that office. When the Maid of Norway succeeded her grandfather Alexander the Third, six regents were appointed. In the infancy of James II. of Scotland, there was a regency of three. In that of James III. a regency of seven. In that of James VI. the Duke of Chatelerault, next presumptive heir of the Crown, claimed the office upon that ground; but his claim was disallowed, and first the Earl of Murray was appointed, afterwards others, none of whom were in the succession to the Crown. It was of more consequence, however, to consider how that matter had been understood by the Legislature of Great-Britain since the Union; and surely it was impossible to read the Provisional Acts of 24 Geo. II. and 5 Geo. III. without seeing clearly that no *Right of Administration* was then supposed to attach upon any individual. As to the idea of a *civil demise*, it was totally inapplicable to such a case as the present. A person was held to be civilly dead, when he had lost the rights of a citizen, as in the case of attainder; but was it ever thought that an *infant* was civilly dead? It would be a little hard, when he was but just born. An infant could hold property, could acquire, and had every civil right entire. A person incapable, from infirmity, to manage his own affairs, was exactly in the same state; he could not, therefore, have a successor while he was alive, and in the full possession of his rights. In a word, the Lord Advocate contended, that neither the Prince of Wales, nor any other individual, had a legal right on this case to be Regent, though, in point of fitness and propriety, he supposed not a man in the kingdom would think of any other than his Royal Highness.

Mr. Milnes. Mr. *Milnes* (Member for York) in a short but animated speech reprobated the conduct of Mr. Fox and his friends, declaring, that it amounted to an abandonment of those constitutional principles hitherto

hitherto the theme of universal admiration, by sacrificing the rights of the two Houses of Parliament to the claims of an individual. From the sort of argument that they had adopted and maintained on this great and truly important occasion, therefore, if they did soon come into power, as the Right Hon. Gentleman had that day given the Committee to expect, instead of a Whig Administration and a mild Government, which it had been their practice to hold out as what would be their true character and conduct when in office, the country had every reason to dread the most arbitrary and oppressive system of measures that had ever disgraced Ministers, and harrassed the subject in the worst periods of our history.

The *Solicitor General* rose. He said, no man could vote on the present question, without considering his allegiance to the Sovereign. We all agree, said Sir John Scott, that his Royal Highness should be Regent, but differ in opinion about the Right requisite. He corroborated Mr. Pitt's argument, by affirming, that with regard to his Royal Highness's right, it was no more than that of any other individual—That it was a gift of expediency granted to him by Parliament—That as we had at present a King, although unfortunately incapable of exercising the Royal Authority, the Prince himself was only a subject—That his Majesty's indisposition was of a temporary nature, which, perhaps, would not longer preclude him from exercising his Authority, than a fever might preclude the Successor, about whose rights they were then contending. [Here he was called to order]. The King, who acceded to the Throne in 1761, is still on the Throne in this year 1788; therefore a law in any Court, acknowledging his supremacy, although Gentlemen might call such a mode of reasoning metaphysical, entailed on transgressors at present the effects and penalties of that law. With regard to what had been advanced by the Right Hon. Gentleman, that the Physicians had declared his Majesty incapable, he thought the argument absurd, as in the eye of the law, we cannot believe the King's Physicians. It was his opinion that the Prince of Wales should be fully invested with every authority requisite for managing the public business with energy and effect; but recollecting that there was still a King, he thought that the powers of the Regent ought to be circumscribed.

Mr. Drake. Mr. *Drake* said, he rose to express his opinion on a subject that had long agitated his mind. If by laying down his life *to-night*, he could serve his country, he was ready to do it. It had been long his glory and his pride to support the measures in general of the Right Hon. and magnanimous Gentleman who proposed the Resolution, and he dreaded no political event so much as the change of the present Administration. The topic of debate, he said, might be compressed into a nut-shell. He was afraid he was now on the awkward side of the question, but thought the Resolution proper, as an ultimate decision of the Claim of Right.

Sir *William Molesworth*, Mr. *Lowther*, and General *Norton* said a few words each.

At length the strangers were desired to withdraw, and the Committee divided.

The previous Question was then put “for the Chairman’s leaving the Chair;” when the numbers were,

Ayes	—	—	204
Noes	—	—	268

Majority for the MINISTER — 64

Mr. Pitt’s Propositions were afterwards put, and agreed to.

A
C O R R E C T L I S T
O F T H E
S E V E R A L M E M B E R S,

WITH THE

PLACES THEY REPRESENT,

Who voted FOR and AGAINST MR. PITT'S MOTION, in the HOUSE OF COMMONS,
in Support of the RIGHTS of the TWO HOUSES OF PARLIAMENT, on TUESDAY,
DECEMBER 16, 1788.

London, ALDERMAN WATSON, in the Chair.

FOR *the Question.*

AGAINST *the Question.*

Wm. Drake, Jun. Esq;
William Grimston, Esq;

*Abingdon,
Agmondesham,
St. Alban's,*

E. L. Loveden, Esq;

Wm. Charles Sloper, Esq;
{ P. C. Crispigny, Esq;
Samuel Salt, Esq;

Sir R. Pepper Arden }
J. Galley Knight, Esq; }
William Fellowes, Esq; }
Benj. Lethieullier, Esq; }
Nicholas Bayley, Esq;
Hon. J. L. Gower

Aldborough, Suffolk,

Aldborough, Yorkshire.

Andover,

*Anglesea,
Appleby,*

Arundel,

{ Thomas Fitzherbert, Esq;
Richard Beckford, Esq;

Robert Mackreth, Esq;
Sir Thomas Halifax
William Devaynes, Esq;
Lord Viscount Bayham
Sir Hugh Williams, Bart.

Ashburton,

Aylesbury,

Barnstaple,

Bath,

Beaumaris,

William Wrightson, Esq;
John Cleveland, Esq;
Abel Moysey, Esq;

Bedfordshire,

{ Earl of Upper Ossory
Hon. St. Andrew St. John
William Colhoun, Esq;

Bedford,

Bedwin,

Beeralston,

Lord Viscount Fielding

Berkshire,

Samuel Whitbread, Esq;
Marquis of Graham
Lieut. Colonel Manners }

George Vansittart, Esq;
Henry James Pye, Esq; }

FOR *the Question.*

Sir J. Pennyman, Bart.
Lord Westcote

Sir Richard Sutton, Bart.
Matthew Montagu, Esq; }
Hon. Charles Stuart

Col. Egerton }
Timothy Caswall, Esq; }
Sir H. G. Calthorpe, Bart. }
Major Hobart

J. H. Browne, Esq; }
Sir Alex. Hood, K. B. }
Robert Thornton, Esq;

Matthew Brickdale, Esq;
Rt. Hon. W. W. Grenville
Edmund Nugent, Esq;
John Call, Esq;
Joseph Jekyll, Esq;
Philip Yorke, Esq;
Right Hon. William Pitt }
Earl of Euston }
Francis Dickens, Esq;

George Gipps, Esq; }
Charles Robinson, Esq;

John Christian, Esq;

Walter Sneyd, Esq; }
Charles Boone, Esq; }
Sir R. S. Cotton, Bart. }
Thomas Grosvenor, Esq; }
R. W. Bootle, Esq;

Berwick,

Beverley,
Bewdley,

Bishop's Castle,

Blechingly,

Bodmyn,

Boroughbridge,

Bossiney,

Boston,

Brackley,

Bramber,

Breconshire,

Brecon,

Bridgenorth,

Bridgewater,

Bridport,

Bristol,

Buckinghamshire,

Buckingham,

Callington,

Calne,

Cambridgeshire,

Cambridge University,

Cambridge, Town of

Camelford,

Canterbury,

Cardiff,

Cardiganshire,

Cardigan,

Carlisle,

Caermarthen,

Castle-Rising,

Cheshire,

Chester,

AGAINST *the Question.*

{ Hon. General Vaughan
Sir Gilbert Elliot, Bart.

{ William Clive, Esq;
Henry Strachey, Esq;
John Kenrick, Esq;
Sir Robert Clayton, Bart.
Sir John Morshead, Bart.
Thomas Hunt, Esq;
Viscount Palmerston

Sir Peter Burrell

Sir Charles Gould
Charles Gould, Esq;
Thomas Whitmore, Esq;

{ Thomas Scott, Esq;
Charles Sturt, Esq;

{ James Macpherson, Esq;
Sir Samuel Hannay, Bart.

Sir H. Mackworth, Bart.
Earl of Lisburne
John Campbell, Esq;
Rowl. Stephenson, Esq;
John G. Phillips, Esq;

John Crewe, Esq;

FOR the Question.

George W. Thomas, Esq;
George Fludyer, Esq;
Lord Apsey
Richard Master, Esq; }

John Bond, jun. Esq;
Henry Bankes, Esq;
Sir William Lemon, Bart.
Sir Samp. Gideon, Bart. }
John Wilmot, Esq;
Robert Nicholas, Esq;

Richard Hopkins, Esq;

John Rolle, Esq;
Francis J. Browne, Esq;

Robert Preston, Esq;
Robert Shaftoe, Esq;

Barne Barne, Esq;

Alexander Irvine, Esq;
Lord Viscount Belgrave
Lord Charles Fitzroy
Tho. B. Bramston, Esq;
Sir John Rushout, Bart. }
Char. W. B. Rouse, Esq;
John Baring, Esq;
General Phillipson
Major General Bathurst }

Christchurch,

Chichester,
Chippingham,

Cirencester,

Clitheroe,

Cockermouth,

Colchester,

Corff Castle,

Cornwall,

Coventry,

Cricklade,

Cumberland,

Dartmouth,

Denbighshire,

Denbigh,

Derbyshire,

Derby,

Devonshire,

Dorsetshire,

Dorchester,

Dover,

Downton,

Droitwich,

Dunwich,

Durham, County of,

Durham,

East Looe,

St. Edmund's Bury,

Essex,

Evesham,

Exeter,

Eye,

Flintshire,

AGAINST the Question.

{ Sir John Frederick, Bart.
Hans Sloane, Esq.

James Dawkins, Esq;

{ Thomas Lister, Esq;
John Lee, Esq;
J. C. Satterthwaite, Esq;
Humphrey Senhouse, Esq;
Sir Robert Smyth, Bart.

Sir W. Molesworth, Bart.

J. Walker Heneage, Esq;
Sir Henry Fletcher, Bart.
William Lowther, Esq;

Sir W. W. Wynn, Bart.
Richard Myddleton, Esq;

{ Lord George Cavendish
Edward M. Mundy, Esq;
Lord G. A. H. Cavendish
Edward Coke, Esq;
John Pol. Bastard, Esq;

{ Hon. George Damer
William Ewer, Esq;

Hon. W. S. Conway

{ Hon. Andrew Foley
Edward Winnington, Esq;
Sir G. W. Vanneck, Bt.
Sir John Eden, Bart.
John Tempest, Esq;
Wm. H. Lambton, Esq;

Sir Charles Davers, Bart.

Sir C. W. Bampfylde, Bt.

Sir Roger Mostyn, Bart.
Majc

FOR *the Question.*

Major W. Williams
 Philip Rashleigh, Esq;
 Hon. Richard Edgumbe }
 James Frazer, Esq;
 J. James Hamilton, Esq;
 Samuel Smith, Esq; }
 Charles Edwin, Esq;
 Hon. Capt. Berkeley }
 Thomas Master, Esq;

Francis Baring, Esq; }
 George Sutton, Esq;

George Medley, Esq;
 Hon. Thomas Onslow
 Rob. Thistlethwaite, Esq;
 John Robinson, Esq;

John Stanley, Esq; }
 John Dawes, Esq;
 James B. Burges, Esq;
 Right Hon. Tho. Harley

Lord Visc. Grimston
 Baron Dimsdale }
 John Calvert, Esq;
 Lionel Darell, Esq;

Sir C.F. Ratcliffe, Bart.
 Will. Egerton, Esq;
 Rt Hon. Sir G. Yonge, K.B.
 Jer. Crutchley, Esq; }
 Phil. Metcalfe, Esq;
 Lord Visc. Hinchinbroke

Benj. Bond Hopkins, Esq; }
 Geo. Sumner, Esq;
 C. Alex. Crickett, Esq;
 Will. Praed, Esq;
 Hon. Charles Marham

Sam. Thornton, Esq; }
 W. Spencer Stanhope, Esq;

AGAINST *the Question.*

Flint,
 Forwey,
 Gatton,
 St. Germain's,
 Glamorganshire,
 Gloucestershire,
 Gloucester,
 Grampound,
 Grantham,

East Grimsby,
 East Grinstead,
 Guildford,
 Hampshire,
 Harwich,
 Haslemere,

Hastings,
 Helston,
 Herefordshire,
 Hereford,
 Hertfordshire,

Hertford,
 Heydon,
 Heytesbury,
 Higham Ferrers,
 Highworth,
 Hindon,
 Honiton,

Horsham,
 Huntingdonshire,
 Huntingdon,

Ilchester,
 Ipswich,
 St. Ives,
 Kent,
 King's Lynn,

Kingston-upon-Hull,

John Webb, Esq;

{ John Harrison, Esq;
 Dudley Long, Esq;

Hon. General Norton
 Jervoise C. Jervoise, Esq;

{ John B. Garforth
 John Lowther, Esq;

Roger Wilbraham, Esq;
 Sir Geo. Cornwall, Bart.
 { John Scudamore, Esq;
 James Walwyn, Esq;
 William Plumer, Esq;

W. P. A'Court, Esq;
 Right Hon. F. Montagu
 Will. Evelyn, Esq;

Sir Geo. Collier

Earl Ludlow
 { Sir Walter Rawlinson
 John Willett Payne, Esq;

William Middleton, Esq;

Filmer Honeywood, Esq;
 Hon. Horatio Walpole

FOR *the Question.*AGAINST *the Question.*

John Blackburne, Esq;	<i>Knaresbrough,</i> <i>Lancashire,</i> <i>Lancaster,</i> <i>Launceston,</i> <i>Leicestershire,</i> <i>Leicester,</i> <i>Leominster,</i> <i>Leskeard,</i> <i>Lestwithiel,</i> <i>Lewes,</i> <i>Lincolnshire,</i> <i>Lincoln,</i> <i>Litchfield,</i> <i>Liverpool,</i> <i>London,</i> <i>Ludlow,</i> <i>Luggershall,</i> <i>Lyme Regis,</i> <i>Lymington,</i> <i>Maidstone,</i> <i>Malden,</i> <i>Malmesbury,</i> <i>Malton,</i> <i>Marlborough,</i> <i>Marlow,</i> <i>St. Marwes,</i> <i>St. Michael,</i> <i>Midhurst,</i> <i>Middlesex,</i> <i>Milbourne Port,</i> <i>Minehead,</i> <i>Monmouthshire,</i> <i>Monmouth,</i>	Lord Visc. Duncannon Thomas Stanley, Esq; { Sir Geo. Warren, K. B. Ab. Rawlinson, Esq; Sir John Swinburne, Bart. Sir John Sinclair, Bart. Hon. Henry Pelham { Sir John Thorold, Bart. C. Anderson Pelham, Esq; Hon. R. L. Saville George Anson, Esq; Lord Penrhyn { Nath. Newnham, Esq; John Sawbridge, Esq; Lord Clive { Richard P. Knight, Esq; Clement Taylor, Esq; Sir Peter Parker, Bart. { Lord Viscount Melbourne Lord Viscount Maitland { Right Hon. Edm. Burke William Weddell, Esq; William Clayton, Esq; David Howell, Esq; Edward Cotsford, Esq; Colonel W. Popham John Morgan, Esq;
Lord Arden J. Peach Hungerford, Esq; } Will. Pochin, Esq; } Colonel Macnamara } Charles Lor. Smith, Esq; } John Hunter, Esq; } Penn A. Curzon, Esq; } Hon. Edward James Eliot } Hon. John Eliot } John Thomas Ellis, Esq; Thomas Kempe, Esq;		
John F. Cawthorne, Esq;		
Bamber Gascoyne, Esq;		
Sir Watkin Lewes		
Geo. Aug. Selwyn, Esq; } Nath. W. Wraxall, Esq; } Hon. Thomas Fane } Hon. Henry Fane } Robert Colt, Esq; } George Rose, Esq; } Matthew Bloxam, Esq; John Strutt, Esq;		
Earl of Courtown } Sir Philip Halles, Bart. } Sir Thomas Rich, Bart. } Hugh Boscawen, Esq; } William Young, Esq; } Christ. Hawkins, Esq; Henry Drummond, Esq; Wm. Mainwaring, Esq; Lord Muncafter Robert Wood, Esq; Major General Rooke Marquis of Worcester		

FOR *the Question.*

Earl of Lincoln

Sir C. Middleton, Bart.

John Henniker, Esq;

Rich. J. Sullivan, Esq;

G. B. Brudenell, Esq;

Right Hon. C. W. Cornewall, *Speaker*

Wm. Bellingham, Esq;

Reginald Pole Carew, Esq;

John Kynaston, Esq;

Philip Stephens, Esq;

Charles Brett, Esq;

Hon. W. H. Bouverie

Right Hon. J. C. Villiers

George Hardinge, Esq;

Earl of Tyrconnell

George Osbaldeston, Esq;

Hans W. Mortimer, Esq;

John Drummond, Esq;

John Peachey, Esq;

John Hill, Esq;

Edward Phelps, Esq;

John Fleming, Esq;

James Amyatt, Esq;

Henry Thornton, Esq;

Paul Le Mesurier, Esq;

Earl Gower

Sir Edward Littleton, Bt.

Sir Geo. Howard, Bart.

Henry Cecil, Esq;

Hon. Richard Howard

James Gordon, jun. Esq;

William Smith, Esq;

John Langston, Esq;

Sir John Rous, Bart.

Joshua Grigby, Esq;

Sir Joseph Mawbey, Bart.

Lord George Lenox

John Calvert, jun. Esq;

*East Retford,**Richmond,**Rippon,*
*Rochester,**New Romney,**Rutlandshire,**Rye,**Ryegate,**Salop,*
*Salisbury,**Sandwich,**New Sarum,**Old Sarum,**Scarborough,**Seaford,**Shaftesbury,**Shoreham,*
Shrewsbury,
*Somersetshire,**Southampton,**Southwark,**Staffordshire,**Stafford,**Stamford,**Steyning,*
*Stockbridge,**Sudbury,**Suffolk,**Surry,*
Sussex,
*Tamworth,**Tavistock,*AGAINST *the Question.*

Wharton Amcotts, Esq;

{ Earl of Inchiquin

{ Sir Grey Cooper, Bart.

William Lawrence, Esq;

Ger. Noel Edwards, Esq;

Wm Dickenson, Esq;

Major Lemon

William Hussey, Esq;

Sir Godfrey Webster

{ Hon. Edward Monckton
{ R. B. Sheridan, Esq;

T. Boothby Parkyns, Esq;

Hon. William Norton

Hon. Thomas Pelham.

John Courtenay, Esq;

{ Rt. Hon. R. Fitzpatrick

{ Lord John Russell

Alexander

FOR *the Question.*AGAINST *the Question.*

Alexander Popham, Esq; }
 Sir Benjamin Hammett }
 Sir Charles Kent, Bart. }
 George Jennings, Esq; }
 Sir G. P. Turner, Bart.
 Hon. Dudley Ryder
 Hon. Colonel Phipps

Hiley Addington, Esq; }
 Colonel Boscawen }
 Sir Francis Sykes, Bart.
 Thomas Farrer, Esq;
 Sir Robert Lawley, Bart. }
 Sir Geo. A. W. Shuck- }
 burgh, Bart.

Clement Tudway, Esq;

Sir John Scott }
 Hon. Thomas Thynne }
 Samuel Estwick, Esq; }
 John Madocks, Esq; }
 Major John Scott }
 James Adams, Esq; }

William Selwyn, Esq;

Lord Herbert

Rich. Gammon, jun. Esq;
 Earl of Mornington
 Sir H. W. Dashwood, Bt. }
 Francis Burton, Esq; }

Samuel Smith, Esq;

Robert Waller, Esq.

Taunton,

Thetford,

Thirsk,

Tiverton

Totness,

Tregony,

Truro,

Wallingford,

Wareham,

Warwickshire,

Warwick,

Wells,

Wendover,

Wenlock,

Weobly,

Westbury,

West Looe,

Westminster,

Westmoreland,

Weymouth and Melcomb

Regis,

Whitchurch,

Wigan,

Wilton,

Winchelsea,

Winchester,

Windsor,

Woodstock,

Worcestershire,

Worcester,

Wootton Bassett,

Chipping Wycombe,

Robert Viner, Esq;

{ Robert Kingsmill, Esq;
 { Hon. Hugh Conway

John Calcraft, Esq;

Robert Ladbroke, Esq;

{ Robert Burton, Esq;
 { John Ord, Esq;
 { Sir H. Bridgeman, Bart.
 { George Forrester, Esq;

{ Right. Hon. C. J. Fox
 { Lord John Townshend
 { Sir M. Le Fleming, Bart.
 { John Lowther, Esq;
 { Right Hon. Welbore Ellis
 { John Purling, Esq;
 { Lord Viscount Middleton
 { John Cotes, Esq;
 { Orlando Bridgeman, Esq;

John Nesbitt, Esq;
 Henry Penton, Esq;

Hon. Edward Foley

{ Hon. Colonel North
 { Hon. Robert S. Conway

Sir

FOR the Question.

AGAINST the Question.

Sir John Jervis, K. B.
Henry Beaufoy, Esq.

} *Yarmouth, Norfolk,*
Yarmouth, Hants,

{ Philip Francis, Esq.
Thomas Jer. Clarke, Esq;

Henry Duncombe, Esq;
Wm. Wilberforce, Esq;
Rich. Slater Milnes, Esq;

} *Yorkshire,*
York,

Lord Galway

S C O T L A N D.

Lord F. Campbell
Sir James Duff, Bart.
Pat. Home, Esq;

Aberdeenshire,
Aberdeen, &c.
Argyleshire,
Banffshire,
Berwickshire,

George Skeene, Esq;
Sir David Carnagie, Bart.

Burnet Abercrombie, Esq;

Bute and Caithness,
Clackmannon,

Hon. Col. J. Stuart

Ilay Campbell, Esq;

Craill, Pittenween, &c.
Cupar, Dundee, &c.
Dumbarton, Glasgow, &c.

John Austruther, Esq;
George Dempster, Esq;

Rt. Hon. Henry Dundas
Sir Adam Ferguson, Bart.
Earl of Fife
Colonel Wemys
Archibald Douglas, Esq;
John Hamilton, Esq;
Lord William Gordon
Sir Hector Munro, K. B.
Sir A. Edmondston, Bart.
R. Allardice Barclay, Esq;

Dumfrieshire,
Edinburghshire,
Edinburgh,
Elginshire,
Fifehire,
Forfarshire,
Haddingtonshire,
Invernesshire,
Inverness,
Irvine, Inverary, &c.
Kincardineshire,

Sir Robert Laurie, Bart.

Sir Charles Preston, Bart.
Sir James S. Denham, Bt.

Kirkcudbright Stewartry,
Kinghorne, &c.
Lanerkshire,
Lauder, &c.

Colonel Fullarton
{ Sir William A. Cunnyng-
hame, Bart.

Alexander Brodie, Esq;

Nairnshire,
Orkney, &c.
Peebleshire,
Perthshire,

Colonel Dundas

David Murray, Esq;
Hon. General Murray

Renfrewshire,
Rossshire,
Roxburghshire,
Selkirkshire,
Selkirk, &c.

John Shaw Stewart, Esq;
F. H. Mackenzie, Esq;

Sir George Douglas, Bart.
Mark Pringle, Esq;
Major Moore

Stirlingshire,
Sutherlandshire,
Wigtownshire,

Sir Thomas Dundas, Bart.

Lieut. General Grant
Andrew M'Dowall, Esq;

T E L L E R S.

FOR *the Question.*THOMAS STEELE, Esq; Member for
*Chichester.*AGAINST *the Question.*WILLIAM ADAM, Esq; Member for
Kinton, Bamff, &c.

Paired off FOR the Question.

Rt. Hon. James Grenville	<i>Buckingham,</i>
Right Hon. Isaac Barré	<i>Calne,</i>
Charles Ross, Esq;	<i>Kirkwall, &c.</i>
Sir Richard Hill, Bart.	<i>Shropshire,</i>

Paired off AGAINST the Question.

<i>Banbury,</i>	Lord North
<i>Dumbartonshire,</i>	Keith Elphinstone, Esq;
<i>Wilton,</i>	Rt. Hon. W. G. Hamilton
<i>Winchelsea,</i>	William Nedham, Esq.

MAJORITY IN FAVOUR OF THE RIGHTS OF THE PEOPLE,
SIXTY-FOUR.

The following Gentlemen, who were prevented by Illness, &c. from attending the House, on *Tuesday* the 16th Instant, voted for and against Mr. DEMPSTER's Motion for an ADDRESS to the PRINCE OF WALES, on *Monday*, the 22d Instant.

AGAINST *the Motion.*FOR *the Motion.*

Sir C. Sykes, Bart.	<i>Beverley</i>
Henry Cruger, Esq;	<i>Bristol.</i>
John Parry, Esq;	<i>Carnarvonshire.</i>
Edmund Bastard, Esq;	<i>Dartmouth.</i>
Henry Addington, Esq;	<i>Devizes.</i>
Edward Bearcroft, Esq;	<i>Heidon.</i>
William Chaytor, Esq;	<i>Heydon.</i>
Lord Kensington,	<i>Haverfordwest.</i>
Thomas Gilbert, Esq;	<i>Litchfield.</i>
Lord Wenman,	<i>Oxfordshire.</i>
Richard Barwell, Esq;	<i>St. Ives.</i>
Charles Ambler, Esq;	<i>Salisbury.</i>
Sir J. Honeywood, Bart.	<i>Steyning.</i>
Sir John Duntz, Bart.	<i>Tiverton.</i>
William Lygon, Esq;	<i>Worcestershire.</i>
P. P. Powney, Esq;	<i>Windsor.</i>
Wm. Middleton, Esq;	<i>Ipswich.</i>

| Lord Beauchamp, *Orford.*

The following Gentlemen have been prevented by Illness, from attending the House, during the present Session.

Sir Henry Peyton, Bart.	<i>Cambridgeshire.</i>
Paul Orchard, Esq;	<i>Callington.</i>
Nathaniel Smith, Esq;	<i>Rocheſter.</i>
Sir John Trevelyan, Bart.	<i>Somerſetſhire.</i>
J. F. Luttrell, Esq;	<i>Minehead.</i>

Thursday,

Thursday, December 18.

CONSTITUTIONAL RESOLUTIONS.

The *Chancellor of the Exchequer* moved, "That the Order of Mr. Pitt. the Day for receiving the Report of the Committee appointed to take into consideration the State of the Nation, be read."

Colonel *Fitzpatrick* submitted it to the Right Hon. Gentleman, Colonel whether there would be any inconvenience in adjourning the con- *Fitzpatrick.* sideration of the Report till the next day. The Colonel said, his Right Hon. Friend was obliged by illness to be absent, and he should imagine it would be the general wish, that no part of the important proceeding, that they were engaged in, should be agitated in the absence of so considerable a Member of that House as his Right Hon. Friend, unless such delay was likely to create real loss of time and serious inconvenience, neither of which he presumed would be the case if his request could be complied with, because there was every reason to believe that his Right Hon. Friend could be present in his place next day, and the Report might then be taken into consideration and voted, if the House thought proper, so as to be carried up to the House of Lords on Saturday, in which case they might on Monday proceed to debate on the result of a conference, which would be as soon, he conceived, as they would at any rate be able to arrive at that stage of the business.

The *Chancellor of the Exchequer* said, it certainly was his wish to *Mr. Pitt.* shew every mark of personal respect to the Right Hon. Gentleman consistent with the urgency of public business; but where it was not consistent with the conducting of the public business, however he might regret the circumstance, and however painful it might be to his feelings, he should think it his duty to refuse; but as the only difference that adjourning the consideration of the Report till next day would be, that they should have the Resolutions, if voted, to carry up to the House of Lords on Saturday instead of Friday, the delay would not be material, and if there was a chance that the Right Hon. Gentleman could be present on the morrow, it certainly would be desirable to wait a day; therefore, although he

was sorry the House had been given the trouble of assembling unnecessarily, he would cheerfully acquiesce on that ground.

Mr. Burke. Mr. *Burke* spoke a few words complimentary to Mr. Pitt.

The Question was then put, "that the consideration of this Report be adjourned till to-morrow."

Agreed to *nem. con.*

Friday, December 19.

Mr. Alderman Watson appearing at the Bar with the Report of the Committee on the State of the Nation, the following question was put from the Chair, "That this Report be now brought up."

Sir John
Sinclair.

Sir *John Sinclair* rose and declared, that with regard to the first Resolution, there was no individual in that House, who felt more the lamentable calamity that had befallen the King and the country, than he did. With regard to the Rights of the two Houses of Parliament to provide the means for supplying the defect in the exercise of the Royal Authority, he must still be of opinion, that it was not necessary for that House to make a declaration of its Rights, on the slight ground of the expression of a doubt of the Right of the Prince of Wales, stated in the Speech of one of its Members. If the Right Hon. Gentleman who first expressed his doubt of the Right of that House, instead of doing so, had brought forward a Motion, declaring the Prince of Wales's Right, no man would have more firmly resisted such a motion, than he would. In the third Resolution there was, he said, something dark and mysterious, and whatever ideas he had of the character and abilities of the Right Hon. Gentleman, who had called upon the House to declare their Right by the Resolution, which appeared to him to be unnecessary, the mystery in the third Resolution demanded explanation. He said, he gave the Right Hon. Gentleman credit for too much manliness of mind, to suppose that he would endeavour to entrap that House, and fetter its future conduct by any equivocal Resolution; but before he gave his assent to the

the bringing up of the Report, he must beg to know what his reasons were for the wording of the third Resolution, and to have an explanation of what was meant by the Bill to be passed by the two Houses of Parliament. Sir John expressed his fears, that the two Houses were intended to be called upon to exceed their constitutional powers, and this was a time, he said, of too critical a nature for any part of so very serious and important a proceeding to be suffered to remain exposed to any kind of doubt. Every Parliamentary proceeding should be clearly understood and maturely considered; before therefore he said more, he would wait for the Right Hon. Gentleman's explanation.

The *Chancellor of the Exchequer* said, he was very ready to give Mr. Pitt. the Hon. Baronet every explanation in his power; that he wished not to bring forward any thing in that House, but what was clearly understood: the Hon. Baronet, therefore, he said, did him no more than justice, when he gave him credit for not having any intention, by any equivocal Resolution to entrap that House, and fetter its future proceedings; he trusted that he had never shewn a disposition to bring forward measures in disguise: in respect to the information which the Hon. Baronet wished to receive, it would be recollected, that he had in his general opening of the Resolutions, pretty much at large explained the whole of their object. With regard to the means of providing for the defect in the exercise of the Royal Authority in consequence of his Majesty's incapacity, he had stated, that as in consideration of law his Majesty's political incapacity was entire, their first proceeding must be by the Royal Authority, which was by a Bill sanctioned by the concurrence of the King and the two Houses of Parliament. Now though the necessity of the case did not oblige them to act without the Royal authority, it did oblige them to provide the means of supplying the defect arising from his Majesty's indisposition, by issuing a commission under the Great Seal of England, appointing Commissioners to open the Parliament in the name of his Majesty in the usual form, and state the reasons for calling them together. He said, he conceived that to be the only mode of proceeding that could be adopted consistent with the principles of the Constitution.

Sir John
Sinclair.

Sir *John Sinclair* declared himself surprized, that the Right Hon. Gentleman should call the system of measures, that he had explained to the House, a system consistent with the principles of the Constitution, when it was contrary to law. Every Gentleman conversant with the Statute Law knew, that it was by the 13th of Charles the Second declared illegal for the two Houses of Parliament to legislate for themselves, or make laws without the King, and by the same statute the declaration that they had any such power was pronounced High Treason in the person making it, and he was liable to all the pains and penalties of a premunire. Sir John said, he was happy the Right Honourable Gentleman had explained his measures, which appeared to him to be highly objectionable. The proper and simple mode of procedure for the two Houses to adopt, in his opinion, was for them to address the only individual that all men's eyes were fixed on, as the fit person to undertake the Administration of Government, in like manner as our ancestors had addressed the Prince of Orange a century ago. When the Right Hon. Gentleman's system came on again in that House, Sir John Sinclair said, he would subject his plan to their consideration.

Mr. Powys. Mr. *Powys* said, he had felt pretty nearly the same anxiety as the Hon. Baronet had expressed, though he believed the stating on what that anxiety turned was premature in that stage of the business. When the Report should be brought up, he believed he might undertake to prove that the Right Hon. Gentleman's system was not founded either in precedent or law.

The Report having been brought up, and the first Resolution read and agreed to, the second was read, when

Sir Grey
Cooper.

Sir *Grey Cooper* desired to be permitted to state, with great submission, a doubt that occurred to him, whether the House, in its present limited and imperfect capacity, could, with propriety and consistency, with order and regularity in its proceedings, agree to the Resolution then reported from the Committee on the State of the Nation. He requested them to consider the very peculiar and unprecedented circumstances under which they were assembled, and then sitting; they were one of the estates of the kingdom assembled at *Westminster*, but not assembled in Parliament; they were maimed and mutilated in their legislative capacity, by the present inca-

incapacity of of the Royal Authority. They met, he said, on the 20th of November, on the expiration of a period to which they had been duly prorogued by a commission from the Royal Authority. On that day no commission came to prorogue them to a further time. The Speaker had arranged the proceeding on that occasion in the best possible manner, when he had taken the Chair by the desire of the Members present. The Minister then opened to the House the deplorable cause which prevented his Majesty's servants from taking his pleasure with respect to a further prorogation. The House paused and hesitated in what they were to do in such an exigency; but upon the Motion of the Chancellor of the Exchequer, the House assumed energy enough to adjourn for fourteen days, and, upon the special circumstances of the case, and the support of the authority of a Precedent in the time of King William, which bore some analogy to their proceeding, he thought they did perfectly right. They met again on the 4th of December, and were informed by the Minister, that the same cause unhappily continued to prevent the exercise of the Royal Authority, and they were then informed, that there *was a necessity* for their proceeding to supply the defect in the functions of the Royal Authority. Since that measure had been recommended by the Minister, and adopted by the House, they had, in all their proceedings, acted under the mere impulse of that necessity. They derived, Sir Grey understood, their power and energy to take any step, or to do any act, from that necessity alone, which, in all extreme cases, had been deemed, and must be acted upon as *magnum humana imbecilitatis patrocinium*. Whatever act or proceeding of that House, in its present situation, goes beyond the clear bounds of that necessity, and the regular cause that is pointed out by it, was, *in his humble opinion, an act of self-constituted power, and as he conceived, of a very dangerous tendency and consequence*. They had come, therefore, to the question, whether this resolution was or was not an act of necessity, for the purpose of supplying the defect in the legislature. He contended that it was not necessary, because there was no real impediment or obstacle to their progress, which must be removed and cleared away before they could act in their deliberative capacity. That *was no claim of right, no denial of their authority, no matter of which the House could, consistently with the*

gravity and order of its proceedings, take parliamentary notice or cognizance. The Committee, it must be admitted, had no greater power than the House, and therefore he concluded, that this resolution was not founded in necessity, but an act of assumed and self-constituted authority. At the Revolution, the Convention Parliament did not, in the famous Committee on the State of the Nation, declare what it was their right or duty to do. It appears that Finch, Sir Edward Seymour, and other considerable and leading men, delivered opinions directly contrary to the principles of the first vote on the 28th of January 1689. The Grand Committee proposed no resolution to vindicate or establish their right against such assertions. They exercised that right, and did the noble work they were about, and they thought that the doing the deed comprehended in it, and incontestably proved both their right and their duty. Having submitted these observations to the consideration of the House, he requested the indulgence of their attention to some remarks upon some of the Precedents on which the Right Hon. Gentleman had laid the foundation of his Resolutions, and particularly on the Precedent of the 32d and 33d of Henry the VIth, which runs from page 42 to page 77 in the Report from the Committee. The Precedent had been much relied on; this he proposed as a pattern for their proceeding in the great and arduous affair which a most deplorable necessity imposed upon them. They had been called by the great Law Authorities in that House to follow the example of their ancestors, and *not to leave them in the lurch*, by departing from the principles on which they voted. But, before they determined to follow the example of their ancestors, it seemed to him that they should consider, *what sort of persons those same ancestors were.* He would venture to undertake to prove, by the irrefragable evidence of records, and the authentic history of the times, that during the course of all the proceedings which collectively form that Precedent, both Houses of Parliament were in the most abject and humiliated state of dependence, on the power, the will, and the nod of Richard Duke of York, and the potent and formidable faction of the noble families who adhered to him and followed the projects of his ambition; and that every step they took, every declaration they made, and every act they did or passed, were taken and done
under

under the impression of immediate force, and irresistible influence. He desired to be permitted to state some facts anterior to the year 1454 (in which that Precedent principally arose) in order to introduce with more regularity and clearness the documents and evidence by which he intended to support his Proposition. After the assassination of the virtuous Duke of Gloucester, the King's uncle Richard, Duke of York, became first Prince of the blood, and presumptive Heir to the Crown. The Impeachment of the great Minister and favourite the Duke of Suffolk, and his banishment and death, soon followed. Edmund Beaufort, Duke of Somerset, succeeded to the favour of the Queen, the powers of Administration, and the unpopularity of his predecessor. The Duke of York trusting to the advantage which that unpopularity and the weakness of the Government gave him, raised an army in the year 1452, and marched with 10,000 men from Wales to the gates of the City of London, for the purpose, as he gave out, of a reformation in the Government, and the removal of the Duke of Somerset from all his power and authority.—The manner in which he was foiled in this bold enterprize, of his being the dupe of his confidence in the promises of the Court, and of his escape from the power of his enemies, are facts well known to all those who have ever looked into the history of this eventful period. He lived in retirement at his Castle on the borders of Wales till the latter end of the year 1453. The Prince of Wales was born in October 1453; about this time the King fell into a disorder in his mind, which rendered him unfit even to maintain the appearance of Royalty. The Queen and Somerset found themselves obliged by this exigency to yield, for a time, to the high power and connections of the Duke of York. Somerset was actually sent to the Tower on the 13th of February 1454; Richard was appointed, or more properly speaking, appointed himself Lieutenant to the King for holding the Parliament, which having first been assembled at Reading, was, after several prorogations and adjournments, assembled at Westminster, on the 14th of February. About this time the famous Earl of Warwick, the Earls of Salisbury and Westmorland, and many other of the Duke's followers, were admitted into the Council in the place of the former Administration, and had the whole Government in their hands. By their com-

mand

command and influence the Committee of Lords was sent on the 23d of March to Windsor, to the King, who lay sick at that place, with certain questions stated in their commission. On the 25th of March, the Bishop of Carlisle, one of the deputed Lords, reported to the House, that they found the King in a state of perfect lethargy and insensibility. Then followed on the 27th of March, the famous transaction of the nomination *and election* of the Duke of York to his first Protectorate, *by the Peers spiritual and temporal in Parliament assembled*, without any participation or even consent of the Commons. He said, he did not consider their appointment of the Duke of York to the first Protectorate, as in any respect proceeding from the free deliberation or choice of the House of Lords, but that it was dictated and compelled by the controuling and overbearing power of the Duke and his adherents. This conclusion was not founded on conjecture, or on the mere authority of any historian or annalist; but on the evidence of a Record in the 5th Volume of the Rolls of Parliament, page 349.

“ Be it remembered, that whereas the 30 day of March, the 22d year in this present Parliament, Thomas Earl of Devonshire, upon an indictment of High Treason by him supposed to be done, against the Kyng’s honourable estate and person, before Humphrey Duke Buckingham, steward of England for that time assigned—was arraigned, and of the same treasons, by his Peers the noble Lords of this Royaume of England, being in this said present Parliament, was acquitted of all things contained in the said Inditement.—By which Inditement the right high and mighty Prince, Richard Duke of York, Lieutenant for the King, in the said Parliament, conceived the trouth of his allegiance to bee emblemysh-ed and dissteigned; in the presence of all the Lords, as well spiritual as temporal, there being present, anon forthwith declared himself of his truth to the King our Sovereign Lord, in manner and form following:

“ My Lordes,—for so much as the matter contained in the said inditement, toucheth right nigh, my worship, honestie, and trouthe: I say that what, so toucheth me, is fals and untrewe, and that I am, and all the dayes of my lyfe have been, and to the end thereof shall be, trewe and humble Liegeman to the King, my most dread Soverain Lord; and never prively ne apertly thought, nor

meant

meant the contrary—whereof I call into witness God, and all the Saints of Heaven, and the same have been, and am ready to prove, and as a Knight, to put my body in devoir against any person, to whome it fitteth me to answer, that wol take upon hym to lay any charge upon me of the said mattere, or of any other, that in any wyse mought founde to the blemishing of my trouthe to my said Sovereign Lord; desirying, exhortyng, and requiring you so to take, repute, holde and accepte me, and that my declaration and offer herein, ye woll enact tofore you of recorde in this Parliament.

“ Post cujus quidem declaratio nem factam & auditam, prefati Domini tam Spirituales quam Temporales una voce dixerunt.”

“ We knew nevere nor at any time could conceyve but that ye
“ be, and have been, true and faithful Liegeman, to the Kyng
“ our Soverain Lord, as it belongeth to your estate to bee—and
“ so we know, take, accept, repute, holde, and declare you.”

This Record will serve to prove to demonstration, without any comment or observation, in what a wretched state of submission and prostration the whole House of Commons at that time lay at the feet of the House of Peers. For the man whom they with one voice declared to be, and to have been, a faithful and loyal subject to the King, had, not two years before they made this dishonourable declaration, levied open war against the King, and marched with an army to the gates of his Capital, and was, at the very moment, known to be contesting the King's title to the Crown. Sir Grey said, he would next show, by a Record of unquestionable authority, that the House of Commons was, at the very same time, in an humble, helpless, and disgraceful state of dependence on the same power. He cited the Roll of Parliament, touching the Lords, with some regret; but the case he was now about to lay before the House,

Animus meminisse horret luctuque refugit.

“ It appears that the Lord Chancellor, on the second day of July, prorogued the Parliament to Reading, to the 7th day of November following: and that on that day it was from thence adjourned to the 11th day of February, and then prorogued to the 14th of February:—

“ That

“ That the Duke, immediately after the adjournment, sued Thorpe in the Exchequer, by Bill, and prosecuted him so close, though Speaker, and a Baron of the Exchequer, in his own Court, that between the 23d of October and 11th of February, he got both a verdict against him by a Jury of Middlesex for 1000*l.* damages, and 10*l.* costs of suit, and likewise a judgment, and took and detained him prisoner in the Fleet thereon, between this adjournment and the Parliament’s meeting some few days before their re-assembling.

“ Indeed the method of proceeding, as well as the expedition that was used throughout the whole of this case, appear, at first sight, very extraordinary. First, That the Commons should apply to the Lords, as well as to the King, for redress in a matter in which their own privileges were essentially concerned: Secondly, That notwithstanding the opinion of the Judges most formally declared, “ That persons arrested for any other cause than for Treason, “ Felony, or Surety of the Peace, or for a Condemnation, had “ before the Parliament, ought to be released,” the Lords should adjudge that Thorpe, who came within none of these descriptions, should, according to the law, remain still in prison: and Thirdly, That the Commons should so easily acquiesce in this decision, and immediately proceed to the election of another Speaker, and the whole of this transaction was but the business of three days, the 14th, 15th, and 16th of February.

“ But when we compare the uncommon expedition with which this very important affair was hurried over, the judgment of the Lords, so directly contrary to the conclusion which ought to have been drawn from the opinion delivered by the Chief Justice; the command of the Bishop of Ely to elect another Speaker, signified immediately subsequent on the judgment, and, as far as appears, without any communication with the King, and the obedient submission of the Commons; I say, all these circumstances, compared with the very high situation in which the plaintiff, Richard Duke of York, then stood, being, as appears from the Parliamentary History, that very day, the 14th of February, appointed President in the said Parliament, and himself present, and taking a part in the hearing of his cause, may be thought fully to justify the opinion of Sir N. Rich, who, when this precedent was cited in a debate on the

the 8th of March, 1620, says, " It is a case begotten by the iniquity of the times, when the Duke of York might have an overgrown power in it, and I therefore wish it may not be meddled with."

Upon the reading of these Records, as the strongest and most searching evidence, and as the dissection of this most inauspicious precedent, might he not venture to ask the House, whether some feelings of resentment and indignation did not rise in their breasts against those who have proposed this Precedent as a pattern for their conduct, in one of the most important and momentous emergencies that ever presented itself to Parliament, and in which all the great energies of Government, all the rights of the highest and most illustrious persons, and the first principles of the Constitution are concerned; and at a time too, when, from the surprize and suddenness of the calamity, the Houses of Parliament were *inopes consilii*. He agreed with Sir N. Rich, that it was a Precedent begot in the iniquity of the times, and he consigned it to eternal contempt and oblivion. He said he would close what he had to observe on this Precedent with a passage from our admirable historian Rapin :

" The contrary Resolutions of Parliament, in regard to the quarrel between the Houses of York and Lancaster, clearly show that those assemblies acted not with freedom, but were swayed by the events which happened before their deliberation. Their determinations are properly of no force, since they had not the liberty to judge according to their understandings, unless it be said that their understandings directed them always to side with the strongest." They carried the profligacy of their conduct so far, that they made Richard, Duke of York, Prince of Wales, Duke of Cornwall, and Earl of Chester, when the Heir Apparent to the Crown (whose family had been in possession for fifty-six years) was seventeen years old. In the beginning of the year 1455, the King was somewhat recovered from his indisposition, and the Queen moved him to resume his authority, and to release Somerset from the Tower. The Duke of York was forced to retire. He raised another army. He complained in his manifesto of the King's Ministers, and demanded a change of Government. The battle of St. Alban's was fought in May 1455. This was a compendious way of doing business,

finess. The Duke of Somerset and many of the Ministers were killed in battle, and the King taken prisoner. This was the first battle of that most cruel and ferocious civil war, which, for thirty years, deluged the kingdom with blood, and involved the whole nation in confusion. The famous Precedent is taken from the very threshold of it, and this raised from the dead to prejudice the clear and irresistible pretensions of the Prince of Wales to the Regency of the kingdom. Those pretensions were admitted and allowed by the first legal authority in that House, the Attorney General; at the same time that he denied that the Prince had any right to assume or to exercise the office of Regent, he admitted that his pretensions were so strong, so clear, and unquestionable, from his high station and proximity to the Crown, that those pretensions could not be denied or rejected, except for such causes and such reasons as would well nigh justify a Bill of Exclusion, or, in other words, for such causes as would exclude him from the Crown.

Mr. Martin. Mr. *Martin* said, he had not staid out the whole of the debate last Wednesday morning, because he found himself so much exhausted after nine hours close attention to the different arguments, that he was obliged to go home, which he the less scrupled to do, as he was aware that on the Report he should have an opportunity of explaining his sentiments, as well in compliance with what, if he recollected rightly, had been the request of more than one Gentleman, viz. that on a question of that importance every Member should avow his sentiments. As he never wished to blink any question that came under agitation in that House, he made no scruple to declare that, had he staid the debate out, he should have given his vote for not leaving the Chair, because it appeared to him, that the Resolution was a very proper one, and what the House, under its present circumstances, did right to vote. In the course of the debate in the Committee, the Right Hon. Gentleman over the way had talked of a change of Administration. What had passed that day, a friend of his had observed to him, reminded him of a scene in Shakespeare's play of Henry IV. where Falstaff reckoned upon what would be done for him and his associates when the Prince should come to the Crown, which was then daily expected, and was assigning places of dignity and character to the most deserving of his friends. Mr. *Martin* said, he hoped, if the

Right

Right Hon. Gentleman came into office, he would not provide for all who had claims upon him, but would recollect that it had been urged against the Right Hon. Gentleman near him, by some of those who most advised him, that his companions were not all equally well approved. He said, he was persuaded Mr. Fox had too noble a mind to be swayed by avarice, or any of the meaner passions; he thought, however, the Right Hon. Gentleman had too much ambition, which inclined him to temporize for the sake of getting into power. Nothing but that could, he thought, have induced him to come into that odious measure, the coalition; and in like manner, on the present occasion, he ascribed the whole line of conduct which Mr. Fox had pursued, solely to temporising with a view to get into power. Had not the fact been so, Mr. Martin said, he was persuaded the Right Hon. Gentleman would not have held doctrines so incompatible with the usual language held by him on constitutional points. Mr. Martin said, as he always voted according to his conscience, it had happened that he had occasionally voted with both the Right Hon. Gentlemen, and he could not help saying, that the Right Hon. Gentleman near him had proved himself a good and virtuous Minister. In the very delicate situation in which he had lately stood, his conduct had been most consistent, steady, and noble; in short, such as, in his opinion, entitled him to the praise and confidence of the public. He declared, he believed the Right Hon. Gentleman near him was *on his retreat*, and therefore he was glad to take that opportunity of speaking as handsomely of him as he could. In the conclusion of his speech, Mr. Martin recurred to the subject of the Resolutions, and in a summary way repeated his approbation of them.

The *Attorney General* rose to maintain the legal opinions stated by him in Tuesday's debate, when he had laid it down as a position, that he would then abide by, that the common law knew no such person as a Regent. The common law only recognized three descriptions of Governors of Kingdoms, viz. Kings, *Custodes Regni*, and King's Lieutenants. He explained the distinctions between each clearly, and said, the *Custos Regni* was a *Pro rex*, endowed with limited powers, which had been occasionally enlarged, and the power of bestowing benefices, and other specific exercises of authority given, and the Lord Lieutenant of Ireland was a living instance

instance of the nature of the office of a King's Lieutenant. With regard to the King's preserving his political capacity entire, notwithstanding his illness, he said, he should err with Lord Coke, with Chief Justice Hale, Mr. Justice Forster, and every other great legal authority, if he did not maintain that doctrine. In answer to Sir Grey Cooper, he desired to put in his plea, and to tell the Hon. Baronet, that if he would give himself the trouble once more to look into a book the Honourable Baronet had often consulted, Mr. Justice Forster's treatise on the principles of the Revolution, he would find he was mistaken in one part of his argument. Mr. Attorney canvassed Sir Grey's account of the transactions in the reign of Henry VI. and said, at that time it was the law of the land that there was no privilege, nor was it till the reign of Elizabeth, when a statute was passed expressly for that purpose. The proceedings, therefore, that the Hon. Baronet had so strongly reprobated with regard to the appeal to the Judges, in the case of the detention of the Speaker of the House of Commons, who had found that privilege would lay in the Speaker's case, and the reference of the Judges opinion to the House of Lords, were not so extraordinary; but let them be ever so worthy of censure, let Richard Duke of York be ever so great a tyrant, it served the better to support his reasoning, and the more to strengthen and confirm the precedents selected from that period, because it proves, that in the worst of times the transaction the Precedent stated had been constitutionally regular. To argue against all Precedents, selected from troublesome times, was, he said, a sort of reasoning that he lamented, and to pronounce that no Precedent taken from such times was to be relied on, was to go the length of declaring Magna Charta to be no Act of Parliament.

Mr. Wyndham.

Mr. *Wyndham* began on what had fallen from Mr. Martin respecting the Gentleman on his side of the House. He declared, that if that Hon. Gentleman had not considered what he had said, as of high consequence in his own opinion, he surely would not have come forward with assertions altogether unfounded, and for which he had assigned no reason. He knew not whether there was any mystery to be divined from what the Hon. Gentleman had said, since superstition assigned to animals of no great estimation the power of revealing secrets. Macbeth told us, that the greatest
perils

perils had been discovered by the screaming of magpies and choughs. As an individual member of the body of men, whom the Hon. Gentleman had lashed and censured, Mr. Wyndham declared he trembled to stand in the Hon. Gentleman's presence. Thus much, however, he would venture to pronounce, that in point of rank, of family, of fortune, of splendid talents, of known character and tried abilities, there were not in the kingdom their superiors. The Hon. Gentleman therefore must suppose some peculiar consequence to be annexed to his opinion, or the House never would have heard the body of men, he had been describing, humbled as they had been by the Hon. Gentleman; but as he would not on that, or any other occasion, follow the Hon. Gentleman's example, he would quit all mention of his Right Hon. Friend, who had been so peculiarly distinguished as to have been made the special subject of a Debate, and not only of a Debate, but of a Resolution of that House. Having thus alluded to the adjournment of the House the preceding day on account of Mr. Fox's illness, Mr. Wyndham proceeded to deliver his opinion on the topics stated and maintained on the different sides of that House. He said, he concurred with the doctrine of his Right Hon. Friend in its fullest extent, that he had intended to have delivered his opinion upon it to the Committee, but had been so much exhausted, that he was obliged to forego his intention; that he was then glad he had done so, for he had been able since more maturely to consider the subject, and he was, by reflection, confirmed in his opinion. The true jet of the argument was, he said, to be drawn not from written law, not from precedent, but it depended upon the plain broad ground of analogy, analogy too clear to be mistaken, and too forcible to be resisted. Not to consider the right of the Prince of Wales to the Regency as an hereditary right, was to go the length of maintaining that the two Houses of Parliament had a power of disposing of the Constitution. He reasoned upon this, and said, that he rather judged of the goodness of a Precedent by its consequence, and what the effects of that consequence might be, than by the Precedent itself. According to the doctrine laid down, Mr. Wyndham said, a foreigner might justly observe, that whenever there was occasion for a Regent, the two Houses of Parliament stepped in, and gave away the country. He took notice of the various arguments that

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had

had been advanced, as to what the law was with respect to the case in point, and declared, that, in his opinion, one of the surest ways of determining what was the law, was by determining what ought to be the law. He adverted to the motives of the Minister, and said, they well knew what he was working at the bottom, but men were not looking at the consideration they ought to look to, but were making it a personal question. They had been told properly enough, that they should not consider the virtues of the Great Personage, who had the strongest preferable claim to the Regency, as any argument, and yet if the virtues of his Majesty (which all must readily admit) were held out as reasons for limiting the powers of the Regent, they ought to take in the virtues of the other Personage as the security for his Majesty's returning to the Government; but it was thought that the custody of the King's Prerogatives were more secure in the hands of the Parliament, than in those of the Heir Apparent. After reasoning upon this and a variety of other points, Mr. Wyndham took notice that in one of the last Regencies, the latter of those in Henry VI. the Duke of York was made Regent, because he was Presumptive Heir to the Crown; and thence he argued that the Prince of Wales, being Heir Apparent, had a better plea, and the public had a better security for his taking due care of the interests of the kingdom, as no other person was so much interested in its prosperity. He reprobated the project proposed in the third Resolution, and said his mind revolted at the idea of such a *coarse fiction*, for so it was, let what would be said of it. He declared for one, he did not place great reliance on the reasoning of lawyers upon such subjects; Gentlemen of that profession were not always the best writers on constitutional questions; their professional knowledge perverted their opinions on such topics, because, when they were under discussion, from their legal knowledge they were always flying to legal analogies. Mr. Wyndham said, he did not like those maxims which could not be comprehended, nor did he admire Precedents drawn from times of such tumults and confusion, as those that distinguished the period from the appointment of the Duke of York to the Regency, in the latter part of the reign of Henry VI. The fatal consequences that followed was a sufficient condemnation of the Precedent in his mind. He added a variety of other reasoning

in support of Mr. Fox's opinion, which, with such analogy on the one side, and such strong and clear reasoning on the other, appeared to him to be unquestionably the better argument of the two that had been advanced upon the subject.

Mr. *Martin* said, the Hon. Gentleman had accused him of not Mr. Martin having spoken to the Question; he appealed to the House, whether he had not spoken to it in a general way, both at the beginning and end of his speech. The reason why he had alluded to a change of Administration, he said, was the having heard the Right Hon. Gentleman over the way introduce the subject in his speech in the Committee, and he had always understood that a Debate on a Report of a Committee, was considered as a continuation of a former Debate. Mr. Martin said, he was willing to impute the personal rude treatment of him rather to the heat of the moment, than to any intentional departure from that good breeding, which made so essential a part of the Hon. Gentleman's character.

Mr. *Christian* said, after the vote he had given, he took the Mr. Christian earliest opportunity of coming forward, and boldly meeting the tian. Question. He professed he was sorry the Question was brought forward at all, but as it had been brought forward, he thought it was the duty of that House to assert its rights, and decide them for the benefit of posterity. He was not, however, prepared to go the length of the Third Resolution, and begged not to be considered as precluded by his vote of Wednesday from dissenting with the Right Hon. Gentleman at the head of the Exchequer on that Question. Mr. Christian said, that after the glorious effects of the Revolution, he thought we ought to act in the same way, to declare the Prince of Wales Regent; as our ancestors had declared the Prince of Orange King, and to address his Royal Highness to accept the Regency. He said, he did not think it right to place any restrictions whatever on the Prince, while acting as Regent.

Mr. *Hardinge* said, that a more interesting point of Constitutional Right had never made its appeal to either House of Parlia- Mr. Hardinge. ment, since the virtue of our Ancestors, and the Genius of the Government, accurately understood, a century ago, had prompted the Lords and Commons of the Realm, to pass a law *without a King*;—and a law, which, as he had always read it, had put upon living record this principle; “ That whenever the supreme exe-

“cutive hand shall have lost its power to act, *the people of the land, fully and freely represented*, can alone repair the defect.”

That in moments like these, on the one hand, it would ill become the most unquestioned abilities and weight in the House, to risk improvident assertions, and hasty opinions, but that, on the other hand, there was no capacity so mean, if it ever took part in a debate, that could be justified in withholding from the public an opinion deeply considered, and freely, though temperately, asserted.

The Right of appointing a Regent had been challenged, and was at issue. It could not be suppressed, unless the Representatives of the People would abandon their trust. In other words, either the Right of the Heir to be the Regent was to be admitted or disproved. In every other view, he, for one, should have been determined *against* the Resolutions which had been moved; because *his* judgment had always been, that such declarations of Constitutional Right should be cautiously forborne—the Constitution should *act*; and it should not *speak*; or it should speak only in the safe Record of its *measures* as the occasion called them forth, and limited the extent while it animated the energy of those great principles to which alone we can trust in the hour of conflict and peril.

That as the *particular necessity* of discussing the Right had alone compelled him to act against these *general* feelings of his mind, he would use the liberty of impressing upon the House all the circumstances which had produced and accompanied what *he* called in substance a direct plea to their jurisdiction, though not in the form of an authentic and regular claim.—No sooner had the King's personal incapacity for his regal office been authenticated by a Report from the Committee, but the Right Hon. Gentleman [Mr. Fox] rose in his place, and having stated the investigation of precedents to be a waste of time, in a very solemn and earnest manner asserted the Right of the Heir Apparent as built upon his Father's incapacity; asserted it, as a Right which he had no doubt of establishing, and which could neither be disproved nor withheld.—Besides the talents, the political rank and character of the Right Hon. Gentleman, he had himself added importance to his other claims, by telling us that he was in habits of confidential inter-

intercourse with his Royal Highness, on whose behalf he had asserted this right. Nor was it the solitary opinion of an individual; for when stated by him it was received with loud acclamation by his friends, of whom it would be injurious to say, that any but *ingenuous* motives of *real* assent could have prompted them *apparently* to approve, and in so public a manner, what their favourite statesman had asserted.—The opinion was *new*;—it went forth into the public, and created an anxiety for the event.—If in the terms it had been misconceived (as the Right Hon. Gentleman complained) in the argument and obvious tendency it had been correctly understood—but well, or ill reported, it reached a noble relation of his (Lord Camden) who had long known and revered the land-marks of the Constitution, who had approved his good faith to them, and who would have sunk his character in the public estimation if he had not caught with avidity the first moment which the favour of any public audience could open to him, of entering his protest against what he thought fatal to those principles, in which he had been educated, and which it had been the peculiar pride of his life to sustain.—Fortunate for the country at least had been this *indiscretion* (if it *could* be so called in such a character and for such motives) because it had induced the Right Hon. Gentleman to favour them with another statement of his Oracle, fundamentally the same as it had been understood, but in the guards put over it even more defenceless than when it relied upon its own strength. So guarded it became again the object of general discussion, and could not but have reached the Heir Apparent; who had, as report informed them, disclaimed all intention of *claim*, *but had never disclaimed the Right*. His Right Hon. Friend (Mr. Pitt) had early announced a formidable question to the delicacy of the House, viz. Whether it might not be expedient and constitutional to impose limitations upon the Regal Power in the Regent's hand? a point upon which *he* was not then ripe to conclude; but would assume, for argument sake, that he was of either opinion. If he were an advocate for the limitations, he could not be so base as to risk the usurpation of right for the sake of policy at the expence of such a personage, and such an interest: if, on the other hand, he should be averse to the limitations, he could not refuse to his own argument the advantage-

ground of proving that he *could* not impose them without an absolute violation of inherent right. In all these views it became *necessary* for the House to discuss the Right, and close the doubt. He had been told of civil tumult and a warfare between the two Houses, but he saw no symptoms of the kind, and if they existed, nothing would be more likely to allay them than a cool discussion of the subject; but whatever might be the risk of those extremities which had been threatened, he would not forget that if such topics had prevailed, or could even have been heard in 1688, we should not at this hour have known a House of Commons possessed of all its natural energy and vigour.

He would now state with distinct accuracy the Right asserted for the Heir Apparent. It was this, “That sitting both Houses of Parliament, from the instant of the King’s personal incapacity for his office declared by the two Houses, a right attached upon the Heir Apparent of perfect age, and labouring under no disabilities, to exercise *all* the regal power, just as if it were a natural demise during the continuance of the incapacity, but a Right which could not act without an adjudication by the two Houses.”

He would combat first (and for a minute or two) the fences and outworks of this new and alarming doctrine. First he would ask what the Right Hon. Gentleman could mean by so qualifying such a Constitutional Right as to make all evidence of the fact which gives rise to it wait for a *declaration* by the two Houses of Parliament, after authentic proofs had been established? He would then ask, why after the declaration so obtained, the Right was further to wait for the ceremony of a Judgment upon it? Would the Heir Apparent wait for it if his Father were no more? Would the Constitution bear the idea that he should wait for it? The Right Hon. Gentleman had said it was like private rights; which, though clear of doubt, waited for the decision of a Court.—What Rights were these?—If a certain event attaches a Right upon me, whether of mere interest or of interest coupled with trust, or both, do I wait for a Court? No, it is the act, or (as Lawyers express it) the *devolution of law*, which gives me at once the Right with every incidental advantage of it. The Right Hon. Gentleman had said, “it was like the Election of a Member of Parliament:” a very

unaccountable simile!—There, a Candidate eligible, an Election free, and a Majority of good Votes,—by the Law of Parliament, gave the seat; a Return is only the judgment of the Officer that such facts have existed—a judgment, which is defeasible by an appeal within a definite period—but in the mean time the Candidate who is returned has complete use of the Right.—How does this apply to a case, which, as it has been argued, acts upon a Right clear of doubt, and precludes the very suspicion of a contest? As far as there is the least analogy between the two cases, that analogy is against the argument; for till the Right is defeated it has every power to act upon that mere presumption of it which throws upon the adversary all burden of proof.

As to the substance of the doctrine, a few words, plain and clear as the sense they contained, would give a death's blow to it. First it was an ancient and wise maxim of our law, that regal power had no incapacity in a politic view, and therefore any Right assuming and claiming to act upon such a defect, could not be *legal*—it must, if any, be a *Constitutional* Right. If it were a Constitutional Right it would appear upon the Journals of Parliament, or in the History of Great Britain.—Looking there for it in vain, and finding no trace or dream of it, he could say (and it would be enough) it is no Constitutional Right in the Heir Apparent, and the Right not being in him (or, *a fortiori*, in any one else, upon the footing of independent claim) can only be delegated by appointment; and if an appointment is necessary, where *can* it originate, but in the fountain of regal power itself, (in this Government) where, but in “*all the Estates of the People of the Land!*” memorable words used at the Revolution, and well adopted by his Right Honourable Friend (Mr. Pitt.)

But no such argument of resorting to the people for want of any other appeal was necessary here; as the Constitution *had* (in characters which “he that runs may read,”) made provision for the afflicting event of the King's present incapacity—in a way at once consistent with popular and regal weight in the balance. We should be miserable pedants indeed, and “*more of schoolmen than of statesmen*,” (the Right Hon. Gentleman's own phrase) if it were possible for us to adopt a distinction between the several *kinds* and the several *causes* of “*total incapacity*.” Every case which

had that one leading feature was a case in point for every other, distinguished by the same common mark—the child upon its mother's knee—the *second* infancy of dotage and the disability of an idiot, who is a *perpetual* child—every disabling visitation of illness, whether from lethargy or a paralytic stroke, from weakness of nerves or spirits;—every derangement of the intellect, whether it be the delirium which a fever has produced, or with no assignable “*data*” for it—every case of disabling absence, captivity, or duress—and the famous precedent of regal forfeiture in 1688—were all of them direct in their analogy to the duties of the House at this moment. In the debate at the Revolution, all the incapacities arising from accident (*and this of delirium by name*) were put in argument; and it was in that argument assumed, that no Regent existed of Right, but the nation had the sole power of appointing him: The fallacy of the Tories lay in this; to make the forfeiture pass for a mere suspension, like that which infirmity would produce, during the life of James the Second, so as to let in his Heirs upon his death.

As to *infancy* a singular fact occurred which marks the jealousy of our ancestors against encroachment upon the regal office in any but a regal hand. Henry the Sixth gives his name to the averment of his own incapacity, and assents to wise laws, which presume that he has no power of assenting to them, or of understanding them. In other words, the *name* is regal but fettered, and without any *will* or discretion. In all these cases too, that name is used for the original formation of the Regent, but the energy of the act is referable to this, and the other House of Parliament. Without a detail of precedents (which are most numerous in the case of infant Kings) he would mark to the House two or three material facts which apply to every one of them. *First*, there is no instance of a sole Regent or Protector (though next Heir) without fetters of some kind upon his power. In the *second* place, not a single Regent or Protector is to be found self-appointed, or accepted upon the footing of claim. *Thirdly*, There is but one who dreamt of this *claim as Heir*; the Duke of Gloucester in the time of Henry VI.; and what became of it?—In as able a Record as the Annals of Parliament can boast, he is told that *his claim is against precedent, usage and law*. He would now touch upon the two Regency Bills, and was ready

at once to put the issue of the Heir Apparent's Right upon those two Records. In the 24th of Geo. the Second, the King sent a message to the House of Commons, in which he told them, “ no-
 “ thing would so much conduce *to the preservation of the Protestant*
 “ *Succession in his Family, and of the Religion, Laws and Liberties*
 “ *of the Kingdom*, as the making proper provisions for the care
 “ and tuition of the person of the Successor to the Crown, and
 “ *for the regular administration of the Government* in case that Suc-
 “ cessor should be of tender years, by means whereof the safety
 “ and princely education of the minor King might be secured,
 “ *the public peace and good order maintained, and the strength and*
 “ *glory of the Crown of Great Britain suffer no diminution.*

“ For which reasons, out of tenderness for his family, and for
 “ all his faithful subjects, he earnestly recommended this weighty
 “ affair to their serious deliberation, and proposed that when the
 “ imperial Crown of the Realm should devolve upon any of the
 “ issue of his Son, the late Prince of Wales, under the age of
 “ eighteen years, *the Princess Dowager of Wales might be Guardian*
 “ *of the person of that Successor, and Regent of these Kingdoms, till*
 “ *he should attain such age, with such powers and LIMITATIONS as*
 “ *would appear expedient for the said important purposes.”*

Upon this proposition a Bill passed, and he would read a part of its Recital, which is in substance an answer to the King in a legislative shape.

“ We *have* taken this weighty affair into our serious considera-
 “ tion, and being thoroughly convinced of the wisdom and ex-
 “ pediency of what your Majesty has recommended upon this im-
 “ portant occasion, are firmly and zealously determined to contri-
 “ bute every thing in our power to the preservation of the Pro-
 “ testant Succession as settled by law in your Royal Family,
 “ &c. &c.”

Having thus recited, they enact,

“ That (in the event of this Minority, and as long as it shall
 “ continue, the Dowager Princess of Wales shall have full power
 “ and authority, in the name of the Successor, under the title of
 “ Regent of the Kingdom, to exercise and administer the regal
 “ power, and execute all prerogatives, *but in such manner, and*
 “ *subject*

“ *subject to such conditions, restrictions, limitations and regulations,*
 “ *as therein after specified.*”

The Act proceeds to appoint “ a Council of Regency, who are
 “ to be fourteen, and several portions of the regal power are with-
 “ held from the Regent, if she cannot obtain the consent of the
 “ Council thus appointed.

“ At the head of this Council is placed the Duke of Cumber-
 “ land; but with no power beyond that of any other Counsellor,
 “ and the King is to nominate four in addition to the ten who
 “ are named by an instrument which is never to be opened in his
 “ life time.”

He would ask, what became of the next Heir who had then attained his full age? If the Right Hon. Gentleman is right, he was insulted as well as degraded by an upper seat at the Council, who were to *assist* the Regent—that Regent the Usurper of his claim. It might be said, the *Legislature* was equal to such a degree of controul over that, or any Right—but this was no answer to another question.—Did the *Legislature* dream of controuling any Right whatever? and will the idea be endured of a silent purpose, in a Legislature like ours, to controul such Rights as these?—or will it be said, that in those days the Parliament were either basely insidious, or grossly ignorant? was there no debate? The Right Hon. Gentleman over against him (Mr. Ellis) was present, and perhaps had an ample share in that conflict. A favourite objection was, that a sole Regent was better than a Regent fettered by a Council—and would not the Heir then have said (if the Right Hon. Gentleman was correct) “ I am that sole Regent by the
 “ Constitution, and the niche can only be filled by me.”—Who was that Heir? The Duke of Cumberland, in the most brilliant period of his deserved popularity, and in close habits of political union with Mr. Pelham the Minister; as honest a Minister, and as honest a man as ever breathed,—a *Whig* Minister too, and supported by the *Whigs*. The Hon. Gentlemen over against him (who are now the *only* Whigs that are left us) would agree with him in approving *their* councils and measures in 1751, when this Bill of Regency passed—Was it an age ill furnished with parliamentary abilities and constitutional knowledge?—Are the names of Lord Hardwicke in
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the House of Lords, and of Mr. Murray here, of no account?—The next Regency Bill, passed under different auspices, and even more vehemently opposed (with an outcry against a *Pocket Regent*,) marks the same *dullness* in those who debated it; for one party assumed, and the other admitted, that no Heir presumptive had, in that moment, any right whatever; and the Duke of York, then of age, was only *one* of the Regents whom the King was to name if he chose it.

As to the *Illness* of Hen. VI. what the Honourable and learned Baronet (Sir Grey Cooper) had observed of the Duke of York in those days, recommended this precedent instead of depreciating its value, upon his own argument; for if it were true that the Duke of York had so much ascendant, it is the more striking that even *he* could not beat the adversary out of *those* intrenchments, or that he found a reverence for the *forms* of the Constitution so rooted in the people at large that he assumed an equal reverence for them in the *mode* of his own tyranny over them.

In the *captivity* of Ric. I. and the *absence* of Ed. I. the Regal *name* was used without any Regal *will*, and the appointment of a temporary substitute was elective in the two Houses, or in those who had a similar power.

But he would hasten to the Revolution; for though he saw no trace of it in the Report of the Committee, he had formed an opinion respecting it, which as it was new to the argument of this debate, though obvious to his own mind, he would state, in hopes of seeing it either adopted, or confuted if it was wrong.—It struck *him* that nothing was more apposite in some of its *principles*, if clearly explained, than what the Convention of those days thought essential to their duty and right. The *incapacity* there was *total* as it is here, but the *cause* of it having subverted the *political* as well as the *natural* capacity, a *King* was elected instead of a *Regent*, and the Heir Apparent set aside. In that case the *form* as well as the *energy* of the Act was in the two remaining branches of Government, because they could neither find a King who united the politic and the natural capacity, nor could give life to the exercise of the Regal office divested of the Regal influence, by using the name of a King whom they no longer owned for any purpose whatever,—but their *principle* was correctly
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the same as ours at this moment. - It enabled them, and gave them an exclusive power, to *repair the defect of the Regal character* in such a *mode* and by such a *degree* of exertion on their part, as the immediate pressure of that exigency required. The noble Lord in the blue ribband (who never had in his life displayed more ingenuity or eloquence than upon the former debate) had surprized him when he talked of the Revolution; a period in our History for which, in general, he was persuaded the noble Lord had an enthusiasm equal to his own; but it so happened that in every one of those facts which the noble Lord had marked as prominent features of that event, he was completely inaccurate. He had said, "that our Ancestors, the Lords and Commons of those days debated *no abstract propositions*, but stated *a fact*, proceeded immediately to *appoint William Prince of Orange their King* and *passed no law, before he was able to refuse it*, by his negative if he had been so advised, or disposed."—The authentic history was the direct reverse in every one of these particulars. 1. The two Houses debated some of the most refined and (he would make no scruple to add) childish differences; nor could a more abstract proposition be imagined than what passed after much controversy into that complex vote which gave us our liberties; yet such was the condition of parties in that awful moment, that Lord Somers and the other patriots of the day, found it wise to discuss, like schoolmen, these fleeting shades of difference in theory and speculation, for the sake of a most enlightened object, never out of their sight, but which could not else have been attained without civil tumult. 2. Instead of electing at once King William, they did not elect him at all, as their *sole* King, but united him in his Regal Office to the daughter of the ejected Prince, dividing the Government into the active administration of the Husband and the Regal name of the Wife, essential to every act of executive power. 3. "*Passing no Law*," as the noble Lord had assured us, they had only taken up the *whim* of a little *playful* Resolution, a mere spirit of legislation, concerning the inheritance of the monarchy as connected with both Sovereigns; which he would read. Mr. Hardinge then read these words from a paper in his hand.

“ The Lords Spiritual and Temporal and Commons, *assembled at*
 “ *Westminster* do resolve,

“ That, William and Mary, Prince and Princess of Orange,
 “ *be, and be declared King and Queen* of England, &c. &c. *to hold the*
 “ *Crown and Royal Dignity* of the said Kingdoms and Dominions,
 “ to them, the said Prince and Princess *during their Lives* and the
 “ life of the survivor, and that the *sole and full exercise* of the
 “ Regal Power be only in, and executed by the said Prince of
 “ Orange, in the names of the said Prince and Princess, during
 “ their joint lives; and after their decease to the Heirs of the
 “ body of the said Princess, and for default of such issue to the
 “ Princess Anne of Denmark and the Heirs of her body, and
 “ for default of such issue to the Heirs of the body of the said
 “ Prince of Orange.”

Reading, as he often had read, the argument of that famous debate, he could not stir in it without marking these two propositions: “ that when the Regal power could no longer act in the execution of its trust, the national voice in its representative character could alone speak for the genius and spirit of the constitution, could alone animate the machine and make it resume its interrupted course by such provisions and limitations, of a more or less complicated nature as the exigency might seem to require,—and that (in the next place) no conception of a Regent is known but as the object of this national appointment in the exercise of an absolute and pure discretion.” It was urged then by the Tories just as it has been argued now by the Whigs over against him, that by electing King William the Patriots had made a new Constitution, and substituted an elective monarchy in place of an hereditary one.—It was answered by Mr. Serjeant Maynard, that no such effect would arise from this extraordinary but indispensable appointment of a new course, in which the hereditary line should in future proceed. Upon the same principle, though in defence of a measure *specifically* different, answer now (said Mr. H.) to those who argue that by electing a Regent we are to set aside the Heir Apparent’s hereditary right; do no such thing, but we supply a defect in the *actual* exercise of an hereditary Right, and I will use the words of Serjeant Maynard,

mard, which are directly applicable to this view of the Debate in 1788, as well as at the Revolution.—“ Where there is a defect in
 “ him who is to exercise the Regal Office, the nation is to repair
 “ it. The Commons apprehend there is now such a defect, and
 “ they do not convert this crown into elective by repairing the
 “ defect in their choice of another instrument for the execution
 “ of the same trust. Our Constitution and its principles are still
 “ the same.”

He would close his argument with two or three words upon the *mode* of enabling the Regal power to be assumed, which one of these Resolutions pointed out. It was called, “ an assumption of
 “ the executive power,” though it feared even the semblance and exterior of any such encroachment, by making provision that a measure essential to the public safety in the appointment of a temporary substitute should have the *form* of the Regal assent, while the King’s *political* capacity was perfect; an assent, he owned, without a dissenting power, and a *name* of the Regal hand or voice, but without the *will*.—This had been called “ a bungling and coarse fiction,” but he would not, for one, be ashamed of adopting it in preference to the form of a legislative appointment used by the two Houses alone; though in *substance* he agreed it was the same thing, as to the *right* of making an effectual provision for the defect; which right he considered as residing in those alone with whom the Regal Power itself originated.

For these reasons the measure proposed, as to the *right* of repairing the defect, as to the necessity of declaring it, and as to the *mode* of asserting it with effect, had obtained his deliberate and cordial assent.

Mr. Anstruther.

Mr. *Anstruther* and Mr. *Burke* rose together, but the former obtained the hearing. He began a reply to Mr. Hardinge, with contradicting his assertion, that James the Second was a King to the end of his life. He attacked the third Resolution as contradictory of the principal resolution. He took notice of Mr. Pitt’s declaration, that every man in his Majesty’s dominions had as good a right to the Regency as the Prince of Wales, a doctrine which he reprobated and condemned. Every situation in society he said, had certain duties attendant on it, but the Country had an interest in the person of the Prince of Wales, which they had

not in any other person, whence the Prince was in an especial manner protected by the laws, and had many peculiar rights and privileges, and whence resulted his Royal Highness's Right to the Regency of this Country. He observed that the Monarchy of Great-Britain was hereditary only on account of its public utility, and contended that public utility was equally dependant on the Regency being hereditary; if we made it a matter of appointment, we made it a perfect matter of canvas, and might have one Regent appointed by the House of Lords, and another by the House of Commons. After mentioning the Prince's strict right in one part of the kingdom, viz. Scotland, Mr. Anstruther admitted, it was not quite fair to pursue the analogy of the Prince's rights to private estates however it might apply. He next corrected what he termed a compleat mistake in Mr. Hardinge, and at length returned again to the third Resolution, the meaning of which, he said, was, that the Houses of Lords and Commons. were to forge the Great Seal of England and issue out a commission to pass a Bill legislated by the two Houses; he asked, would a Bill so issued have his Majesty's consent? Most undoubtedly it would not; their own Resolutions on the Table would give the lie to it. And if they could pass one Bill, they might pass more. They might continue forging the Great Seal for a day, a week, a month, a year, and if they pleased for ever. Mr. Anstruther asked if this could be so easily done, and was to pass for law, why had not our ancestors, at the period of the Revolution, dragged the Thames for the Great Seal, and done the same as was meant to be done now. They might, by the help of the same sort of forgery, have kept the Kingly Power in their own hands, and had nothing to do with William and Mary. If it could be done in one instance, it might be done in any; they might lop off one branch of the Prerogative, and then another, and so by degrees, till there was no Prerogative left. Mr. Anstruther reprobated the Precedent in Henry VI.'s time, and in terms of great asperity censured the mode of passing the Bill proposed in the third Resolution. He called it a clumsy, absurd, wicked project, and said the Commissioners would be such perfect puppets, that they would have no voice of their own of assent or dissent. He recapitulated the cases of Edward III. Richard II. and Henry VI. and said

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what had been called a Council of Regency in the latter's reign, had been no such thing, but a Council which the Barons meant to have put about the King himself. The Council consisted of five of his brothers, and the rest were his near relations. A learned friend of his, in justification of Precedents taken from troublesome times, had said, if they condemned those Precedents merely on that account, they might as well say, Magna Charta was no Act of Parliament. He should be sorry to say that Magna Charta was no Act, but he had ever considered Magna Charta as an object of admiration, and reverence, on account of its intrinsic merit. After some casual remarks on offices executed by minors, he concluded his speech with declaring that he never would consent that the House should vote the third resolution.

Mr. Beau-
foy.

Mr. *Beaufoy* rose and said, In this late period of the debate, and still later of the argument, I shall trouble the House but with few remarks; nor should I have troubled them at all, if an Hon. Gentleman (Mr. Wyndham) had not deduced, from maxims, unmentioned before, conclusions, which I consider as erroneous, and to which no reply has hitherto been made: But though I rise to answer his speech, I shall make no comment on the preamble with which he introduced it; for when I consider the solemnity of the occasion which summons us here, when I consider how strongly the solicitude which is expressed in the countenances of our fellow-citizens, the earnestness of enquiry that is heard in every street, and the numbers who crowd the passages to the place in which we are assembled, mark the anxiety of the public mind, I feel myself incapable of descending to the peevishness of personal invective, or the littleness of party resentment.

The House has frequently heard the declaration that the Prince of Wales has the same hereditary Right to the full exercise of the Powers of the Regal Trust that he would have had in the case of an actual demise of the Sovereign, and you are no strangers to a similar declaration which a person of judicial rank is understood to have made elsewhere; but the Honourable Gentleman is the first who not only endeavours to dissuade you from rejecting these injurious assertions, but whose arguments against that rejection are founded specifically on the maxim, that the probable consequences of any proceeding are the best criterion of its merits. Does he
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then really conceive, that if you do not expressly and solemnly contradict the doctrine which has thus been held, no inconvenience will follow to your dignity? none to the order of the constitution? none to the well being of future times? Or can he think that any thing less than such a contradiction will be sufficient to vindicate your essential Rights from that denial of their existence, which not the leader of a party alone, but one of the most eminent of the Judges, professing to speak the language of the law, has deliberately and solemnly pronounced? Power is upheld by opinion; I cannot, therefore, acquiesce in the insidious flatteries which assure you, that no assertions, either of Statesmen or Judges, can be injurious to your privileges; that declarations of Right are inconsistent with Dignity; that they imply a previous doubt; and that they weaken while they profess to support. I dread the disguised hostility of this seeming zeal for your honour! For who are the persons who hold this language? Are they not the very men who have declared that you have no power but that of acknowledging, in the Prince of Wales, an independent pre-existing Right; that the ceremony of investment is all you have a pretence to claim; and that the authority of a Court Baron, which, on proof of the Heirship, must admit to the inheritance, is the whole that you possess? God forbid that such advocates for the honour of the House of Commons should ever be taken for her guides! For who does not see that if their councils were followed, some of the most distinguished members of the House may soon be involved in the consequences of legal guilt! Has any man asserted that the two Houses of Parliament should impose limitations and restrictions as the conditions of the Regent's power? That man, we are told, is guilty of direct and deliberate treason, for all such limitations and restrictions are acts of legislation; and he who advisedly declares that the two Houses of Parliament, independent of the King, have a Right to legislate, is by a specific Statute pronounced to be a traitor. Could we then be surprized if at some future period an Attorney General should be directed, extravagantly, indeed, according to the idea which I entertain of constitutional law, but rationally and necessarily, if the Honourable Gentleman's opinion be true, to prosecute, on a charge of Treason, those Members of the House who have dared advisedly to assert that the two

Houses of Parliament have a right to prescribe limitations to the power of the Regent? From a situation so humiliating to the House, and so distressing to its Members, who is there that would not wish to be relieved? and who does not see that nothing less than a formal and explicit disavowal of the Right Honourable Gentleman's doctrine, can possibly restore to the Members that confidence which is essential to the Freedom of Debate, and to the House itself that dignity which is requisite to the full effect of its resolves?

But it is not to the interest of the present time alone that the operation of this doctrine is confined: I agree with the Honourable Gentleman, that temporary interests are lost in the magnitude of the general consideration, and that even the circumstances of the present crisis, awful as they are, are but of secondary moment: for the principle he attempts to establish involves in it the misery of distant generations. How certainly this will be the case will be obvious, if we recollect that the principle as strongly applies to the claims of an Heir Presumptive as to those of an Heir Apparent; and that in the course of human affairs instances may again occur, for they have often occurred, of a Presumptive Heir who is little connected with the Sovereign on the Throne, either by the ties of immediate consanguinity, or by the firmer tie of personal attachment. The Princess Anne was far from being closely united to the Sovereign on the Throne, and she herself, when she came to the possession of the Crown, was still more distantly allied, either in Blood or Affection, to her immediate Heir. Now under such circumstances let us conceive the personal exercise of the Royal Authority, by the Sovereign himself, suspended by temporary illness, and then let us examine what, in such a situation, would be the probable consequence of the maxim we have heard. Should the Representatives of the People be anxious to provide that with the Sovereign's returning health his sceptre also should return; vain and extravagant would be their wish. You have not, says the Right Hon. Gentleman, the means; you have not the power to make the provision you suggest: all your authority is limited to one point, you may recognize the power of the Heir Apparent, but that power you cannot restrain; you may conceive, but you cannot confine; you may embellish with expressions of zeal, with assurances of satisfaction, but if dissident of the future

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you can take no cautionary measures ; if dissatisfied you can neither withhold the trust, nor guard it from abuse. Your situation is utterly weak, incompetent, and helpless ; your active functions, like those of your Sovereign, are entirely and completely suspended.—In such a situation who could answer for the peace of the Kingdom ; who would be responsible that the ancient competition between the actual King and the rightful King would not be renewed, and the convulsions of former times, the horrors of which after a lapse of ages still rise on the imagination, would not again be experienced ? I know that I am speaking of circumstances foreign to the present times, but I also know that they are circumstances so necessarily connected with, and so naturally following from the Hon. Gentleman's arguments, that the establishment of the one will inevitably lead to the existence of the other. Whoever, on the supposition that his doctrine is admitted, surveys the void of futurity, will see such forms of danger rising as are sufficient to appal the firmest mind. God forbid, that in return for the blessings we have received from our Ancestors, we should transmit to Posterity a maxim of civil discord, a principle of national disunion.

Independently of the considerations I have urged in support of the expedience of an express declaration on the part of the House of the Right which has been so strongly denied, there are in the uniform practice of our Ancestors the strongest possible proofs that the system of the Honourable Gentleman is alien to the Constitution of England.

They alone who possess the power of conferring a trust, can have a right to declare on what conditions that trust shall be held ; whence it necessarily follows, that the invariable practice of the two Houses of Parliament in prescribing, in every instance, limitations to the Regency, furnishes an indisputable proof of their conviction, that the power to confer the Regency was in themselves alone, and that there did not exist in the Heir to the crown the shadow of hereditary Right to the possession of the Regent's office. Shall I be told, upon this occasion, that in almost all those instances there existed the necessity of guarding the interests of a minor King ? My answer is, that in the present instance there exists an interest, which, if I know the feelings of my countrymen, cannot be less dear to them from its being the interest

of a Sovereign, of whose regard to the Constitution, and affectionate attachment to themselves, they have had the strongest possible proofs; it is an interest that will not be the less valued from its being that of a Sovereign, whose too great solicitude for the well-being of his subjects has brought upon him the terrible visitation with which he is afflicted; nor can I think that their allegiance will be deemed the less sacred, from its having been confirmed by the solemnity of an oath.—Our Ancestors valued too highly the Rights of the People, and too well understood the genuine principles of freedom, ever to admit the conclusions for which the Right Hon. Gentleman contends: They knew that all such natural rights as the People have not relinquished, must still belong to the People. They decreed these Rights to be a part, as yet untransferred, of the general fund, and, consequently, to be a part to which none but the people can have any possible claim.—The Right of succeeding to the Crown on the death of the Sovereign, the People have vested in his immediate Heir: but the Right of appointing a King, whenever the Throne, in consequence of the misconduct of the Person who filled it, shall be vacant; together with the Right of appointing a Regent, whenever the Sovereign who wears the Crown shall be incapable of personally exercising the powers of the Trust, they have hitherto reserved to themselves; for our Ancestors well knew, that in such exigencies no provisions can be adequate but those which the wisdom of the time shall suggest, and, therefore, to the wisdom of the time, as residing in the Lords and Commons, the Representatives of the Nation, they have left them. But though on this occasion they have bequeathed us no specific law, as the rule of our conduct, yet by the uniform course of the examples they have left us, they have shown to what points that conduct ought to be directed; they have given us a proof that in exigencies like the present, the two Houses of Parliament are to be considered as acting in a double Trust; as Trustees for the Sovereign, as well as for the People; and, therefore, as doubly bound to be cautious that in the exercise of the authority which arises from the occasion, the power they exert shall not be greater than that which the circumstances of the time, and the nature of the exigence demand. It is in direct defiance of this equally just and prudential rule that

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the Hon. Gentleman argues; for the tendency of all his reasoning is to shew, that the Houses of Parliament are bound, on this great occasion, to create, not a Regent, but a King; and that under the name of Regent, and during the life of the legal Sovereign, they ought to recognize in the Heir Apparent an hereditary Right to the actual possession of the Regal Office.—It surprises me not a little to observe with what earnestness, in a most enlightened period, the Hon. Gentleman contends for the maxims of the darkest ages, and to remark with what zeal he labours to rebuild, in a new form indeed, but with the ancient materials, that exploded system of Power which appropriates to the Prince, by hereditary ownership, the inherent Rights of the People. Upon his Principles the glorious Revolution must be considered as a profligate act of deliberate robbery and consummate injustice; for upon his principles the Right to the Crown was not in King William the Third, but in the Princess of Orange, in whom alone the claim of hereditary Right was understood to reside. Parliament, therefore, according to him, usurped a Power to which they had no pretence, and gave that to King William which they had no right to bestow. God forbid that we should thus renounce our share in the fame of our Ancestors, and stigmatize, disgracefully to ourselves, the most illustrious event which the history of the world records.

Thus, Sir, it appears that, on every consideration of the dignity of the House, of the justice which is due to its Members, who ought on this occasion to be informed of the nature and extent of its Authority, as well as on every consideration of the peace and tranquillity of *future Times*, and of the great Principles on which is founded that Constitution which is *our* boast, and if faithfully transmitted will be *their* Security; we are called upon to agree with the Committee in declaring the Right which the Resolution before us strongly and emphatically asserts.

Mr. *Dempster* begged leave to propose an amendment to the Second Resolution, which would rescue them from the greatest solecism he ever saw. Mr. *Dempster* said, the Revolution was no precedent in point for the present proceeding. Our King was not likely to be expelled the throne, because he was a King loved by his subjects; but he was a man, and consequently subject to all the

Mr. Dempster.

calamities and infirmities of human nature. We had at this time a Prince of Wales, the Heir Apparent to the Throne, of full age; why then should we have a King made up like nothing that ever was conceived before, an un-whig, un-tory like, odd, awkward, anomalous monster! He declared he stood up as an independent man, connected with neither party; the amendment he had to propose was an amendment of his own, without consultation, and without connivance; he did not even know whether his amendment would be seconded, but, such as it was, he would move it, that he might at least endeavour to preserve the Constitution from what appeared to him to be dangerous. His first amendment was, to leave out the word "Right," because their best way of declaring their Right was not to express it by a word, but by the exercise of it; and with that view he should further move to leave out the words "in such manner as the exigency of the case may appear to require," and insert, "by presenting an Address to the Prince of Wales, Heir Apparent, and of full age, humbly beseeching him to take upon himself the administration of the civil and military government of the country, during the incapacity of his Majesty, and no longer." Mr. Dempster took notice of the reports that were abroad, that the measures now going on in that House were with a view to prevent a change in the Ministry; he said, he thought no such paltry considerations ought to sway their minds in the progress of so important a proceeding. He had sat in that House near twenty years, and seen a new Ministry almost every year. He concluded with moving to leave out the word "Right."

Mr. Courtenay seconded the Amendment.

The SPEAKER read the Amendment, and put the Question upon it.

Mr. Powys. Mr. Powys said, he conceived the present Question would turn merely on the word "Right." If any law existed, it ought to be that the Prince of Wales should take upon himself the Regency, but there being no law, it would be more unconstitutional than the other mode of proceeding.

The Question was put and carried, that the word "Right" stand part of the Resolution. The Question was then put that the words "in such manner as the exigency of the case may appear to require," stand part of the Resolution.

Mr.

Mr. Powys rose again, and said, had the Question been suggested Mr. Powys. three days sooner, he should have been one of the first to have risen to second it. Mr. Powys said, he should always consider the Hon. and learned Gentleman over the way, whether in or out of office, as one of the first legal authorities in that House; and as he was ready to confess, when he was convinced by argument, which he sometimes was by what he heard in that House, so he now acknowledged that by the Hon. Gentleman's distinction between the case of the Revolution and the present case, and the difference that he had laid down between the natural and political capacity of the King being both at an end, whereas in this case his Majesty's political capacity was entire, although he was not in a state of natural capacity to execute his kingly office, he was convinced his opinion, that the Revolution afforded a case in point, was erroneous; and that those Precedents which he had not thought much in point, he now conceived were very much in point. That of Henry VI. was not strictly so, because when the Duke of York was Regent he represented a King; and there was a Parliament at that time, a commission being legally issued, giving a general power to hold it. Mr. Powys said, he thought the Resolution liable to objection. He wished the First Person in the kingdom might be called upon to take the Government. In protecting the Rights of the Crown, he protected the Interests of the People. For what were the Rights of the Crown? Only the powers vested in the Crown for the preservation of the Interests of the People. As the Resolution stood, they were putting themselves in disguise to maim and mutilate the Constitution. They were putting into the hands of the Crown the royal assent without the regal will.

The *Chancellor of the Exchequer* said, he would trouble the House Mr. Pitt. with a very few words, because he thought that discussion would come on more regularly at another stage. He read the Amendment, and said, that the words "As Heir Apparent," seemed to justify the Prince's claim to Right, and so by an equivocal turn to contradict the Resolution. Now, as he conceived every part of the House would agree with him, that such a claim, if asserted, should not be asserted obliquely, and by a side wind; he thought it would be better that the Resolution stood as it did before. With regard to the question, whether the Prince of Wales, as Regent, should

should have the whole Royal Power, or only a part, till that point was ascertained, it had better not be discussed; at any rate the House ought not to be taken by surprize, and have such an Amendment put upon it on a sudden.

Mr. Fox. Mr. Fox said, no man less than he would approve of lending the Question a new turn, without the House having a proper time to consider of it. He apprehended, from the words of the Third Resolution, that one of the points was determined; not that he meant by any means to say that he approved; he had contended against it; but having contended in vain, he should make his stand at another post. He was prepared to contend, that the Third Resolution, by putting the two Houses into the capacity to pass a Bill, did, what he had great doubts that the House could not do antecedent to the declaring a Regent. Mr. Fox said a few words to state that the Amendment then moved, and the Resolution itself, were equally taking the House by surprize, and that possibly the natural way of proceeding would be to adjourn the Debate till the next day, or Monday.

Mr. Dempster. Mr. Dempster said, he expected the Debate to finish, but he was willing to wave the words "Heir Apparent."

Mr. Burke. Mr. Burke said, they did not in the smallest degree tend to overturn the Resolution; a person of full age was the fittest to be guardian of a person in a state of incapacity; the name of the Prince of Wales, when they considered who he was, was such, that he was certainly properly described in the Amendment.

Mr. Fox. Mr. Fox thought the House had decided that already, at least he was convinced it had been carried against him, and to that decision he bowed. He asked whether the Hon. Gentleman might not wave the Resolution; he should not wish, any more than the Right Hon. Gentleman, to have that done by a side wind, which had been expressly decided before.

Mr. Pitt. The *Chancellor of the Exchequer* said, he must still consider the third Resolution as connected with the second, and as giving the true description of the only way of proceeding constitutionally to take the necessary measures in this important crisis.

Mr. Burke. Mr. Burke called upon the Country Gentlemen to be more careful how they voted in future. They might now see the consequences of blindly voting with a Minister for they scarcely knew what.

what. He wished to awaken their vigilance, that their honour and integrity might be preserved from danger, and that they might not be entrapped. One person, he said, had a scheme against their simplicity, which he had practised step by step, till he had them so fast entangled that they could not get back. The Right Hon. Gentleman had persuaded them to vote a first Resolution, and then a second, and now he told them they must vote a third.

The *Chancellor of the Exchequer* expressed his astonishment at the Mr. Pitt. sort of attack that had been made upon him; he desired Gentlemen to recollect whether, in his whole conduct throughout the proceeding, he had ever done any thing that looked like a design to entangle or entrap them. The third Resolution was, in his opinion, the only constitutional mode of carrying the second into effect. If any person could shew another mode equally constitutional, and better calculated for supplying the deficiency, he was ready to adopt it. He hoped he should not again be told that he was endeavouring to entrap Gentlemen.

Mr. *Marsham* declared, all that he had to say then was, that he Mr. Mar-
 hoped the Country Gentlemen would not be led away by the so-sham.
 phistry or ingenuity of the great men on either side of the House. He begged to say, that after what he had heard in that House, and without doors, he thought it necessary for Parliament to declare, that it was their right and their duty to provide the means for supplying the defect in the exercise of the Royal Authority. Mr. *Marsham* did the *Chancellor of the Exchequer* the justice to declare, that throughout the whole of the business he had not only conducted himself unexceptionably, but in a manner highly to his credit. He did not, he said, mean to insinuate, that the Prince had no right. He had but plain common sense, but he could not help thinking there was a more plain method of coming to the same point; he meant the method pursued at the Revolution; the one, the plain way by Address, the other by Petition: Why not go up with an Address, and resort to the old word, a word that answered every purpose at once, *pray* his Royal Highness to accept the Regency? There being a cry of *move! move!* Mr. *Marsham* spoke of Restrictions that had been talked of, and said, he thought that there ought to be none at all. The Prince's delicate situation ought to be considered. He felt it as much as them all, and with
 additional

additional poignancy, it was evident from the declaration that he had made in another place. For his part, he thought it the interest of the Prince of Wales, in common with them all, to do every thing to make the kingdom flourish.

Mr. Christian.

Mr. *Christian* declared, he scarcely knew which way he ought to vote. He did not wish to shrink from his duty; but the possibility of voting away the Rights of the Crown, under pretence of defending the Rights of the People, staggered him.

Mr. Rushworth.

Mr. *Rushworth* said, they had done wrong from the beginning, by letting any person come down to that House but the Prince of Wales. Mr. Rushworth spoke for some time, reprobating the declaration, that the Prince of Wales had no more right than any other individual subject. He put the case, that had the same calamity befallen his late Majesty in 1745, in the year of the Rebellion, would a Minister have dared to have made the same declaration? He must have found shelter somewhere else than there.

Mr. Harrison.

Mr. *Harrison* said, the only objection they could have to placing his Royal Highness in that situation, must arise from an idea that he would not part with it when his Majesty should recover. He asked, on what was so unjust a supposition grounded? Let the House consider his Royal Highness's filial attention and tender regard to his mother and sisters during the dreadful period of the Family's severe affliction. Let them view all his private virtues, and then say, if he ought not to be declared Sole Regent, with all the Royal Prerogatives, which was the only proper means of restoring the third branch of the Legislature.

Mr. Edwards.

Mr. *Edwards* said, after the sense of the House had been so fully understood, he did not rise with the hope of altering any Gentleman's opinion, much less to take up the time of the House, but merely to declare his marked disapprobation of the second and third Resolutions, which he thought unsupported by the Constitution, the true spirit of which did not acknowledge an Elective Right in the two Houses, except in the case of absolute necessity; or allow any analogy to be just which suggested the propriety of almost impracticable measures, in preference to others easily attainable.

The beneficent disposition of his Royal Highness the Prince of Wales, graciously intimated in another place, and his very temperate

temperate and proper conduct on this trying occasion, made the adoption of the Amendment proposed peculiarly desirable.

The obloquy thrown on Opposition he thought very unbecoming; that both sides of the House stood on equal ground in general, but that on the present Question Opposition were far superior, as protecting the Constitution; that he had not forgot how totally the explanation of their India Bill, in their own speeches, when Administration carried that Bill, and their explanation of it afterwards by their Declaratory Bill, were at variance; what pre-eminent claim then to confidence or character could they set up after such premeditated duplicity?

He reprobated the precipitation with which the third Resolution seemed likely to be forced upon the House if the Amendment should be rejected; and he owed thanks to those Gentlemen who had called upon the House to resist it.

Sir Matthew White Ridley and several other Members spoke.

Mr. Dempster withdrew his Amendment from the second Resolution, which was carried as it stood originally. He then moved to leave out all the third Resolution from the word "determine," and insert his Amendment.

After some farther conversation between *Mr. Marsham*, *Mr. Fox*, and the *Chancellor of the Exchequer*, on a proposition of the two former to adjourn the Debate, it being then ten o'clock, and the third Resolution likely to bring on a long discussion, the point was at last given up by *Mr. Pitt*, who said, he was not only anxious for all reasonable dispatch on account of the great importance of the object, but also to relieve the suspense of the public, and set their minds at ease upon the subject.

Monday, December 22.

The *Chancellor of the Exchequer* moved, that the Order of the *Mr. Pitt*. Day for resuming the consideration of the third Resolution contained in the Report from the Committee on the State of the Nation, might be read. It was read as originally moved, and then the amendment that had been moved by *Mr. Dempster*, to leave out

out all the words after the word “determine,” and insert in lieu thereof words to the following effect, “on presenting an Address to his Royal Highness the Prince of Wales, humbly to beseech his Royal Highness to take upon himself the administration of the civil and military Government of Affairs, during the Incapacity of his Majesty to exercise the Sovereign Authority, and no longer.”

The same having been read, the Speaker informed the House that the Question for him to put was, “that these words (those of the Resolution as originally moved) stand part of the Question.”

Mr. Burke. Mr. *Burke* rose, and in a speech of more than two hours continuance, entered very much at large into the whole of the Question. He began with stating, that, in no one instance in which he had ever given his sentiments to the House, had he delivered his opinion either with a view to power, with a view to flatter that House, or from motives of conciliating the favour of the people; but had declared the suggestions of an unbiassed mind, impressed with what he conceived to be the best means of providing at once for the safety and honour of the Sovereign, and the welfare of the nation. On the present occasion, whatever might be thought of his looking forward to a place in a new administration, he would give the independent sentiments of a plain citizen on the Question now pending. He knew not of any place he was to have. He had not exchanged a syllable with his Royal Highness on the subject; and was as little acquainted with the inside of Carleton House as with the inside of Buckingham House. The two Houses of Parliament were, he said, in a state of inactivity, arising from the vacancy in the exercise of the third branch of the Legislature; and that whatever measures they had recourse to, were justifiable only in proportion as they were founded in the necessity of the case, beyond which point they could not go. The necessity of a case, he said, always operated to its own destruction; for, when those steps which were deemed strictly necessary, were pursued, the necessity ceased: the question was, whether there existed a necessity for issuing a commission in the King's name, under the Great Seal, to pass a Bill for the establishment of the Regency? This point he would discuss with all the lights that he had derived from his imperfect study of the Constitution. When the two Houses were
deprived

deprived of the aid and co-operation of the third branch, they were not a Parliament, but incompetent to the exercise of any one act of legislation. So situated, they were, he thought, by no means justified in using the King's name to a commission for giving the Royal Assent to a proposed Bill. In filling the vacancy now existing, the rules of hereditary Right ought to be reverted to; that hereditary Right which had been found an effectual bulwark against the encroachments of ambition, and the intrigues of faction. The person who stood next in succession, provided he were of full age, was as much entitled to the Regency during the Sovereign's incapacity, as he was to the Crown in case of a demise. But this doctrine had been peremptorily denied by the Right Hon. Gentleman opposite him, who had asserted that an equal Right to the Regency existed in every individual of the nation; and who, in affirming the sentiment, had aimed a stroke at the Constitution of the country. If the Royal Assent was wanted, who had so great a right to give it, during the King's inability, but the Heir Apparent? Instead, therefore, of nominating a phantom of Sovereignty, a man with *black brows, and a large wig*, as Commissioner to give the Royal Assent, the two Houses ought to address the Prince of Wales to take the regal power upon him, and give the Assent that was required. To give Assent, in his Majesty's name, by a Commission, as if he were still capable of governing, would be a mean fraud, a low forgery, inconsistent with the true maxims of the Constitution. He defied any Gentleman of the Law to produce a single Precedent that would warrant such an undue assumption of power. It ought to be man, a living man, that should stand in the place of the Monarch; not an idol erected by a state carpenter; not a skrew-press, a piece of parchment and some wax. He adverted to the Revolution; in which nothing more had been done than was really necessary. The policy of that grand measure was to establish the liberties of the people on a firm basis, as well as to secure the hereditary succession to the Crown. The same policy would justify them in fixing the Prince of Wales in the sole Administration of the kingdom. It was altogether unprecedented, he said, that a mere word dropped by a Right Hon. Gentleman had been made the foundation for a Resolution of such great importance as the second Resolution in the Report, from which the Resolution

solution now under debate flowed as a kind of corollary, according to the Right Hon. Gentleman who had moved them, though he was not inclined to adopt that opinion. It was reserved, he said, for the present period, to make a mere individual's words of such consequence as to be the ground work of a formal Resolution of both Houses of Parliament. He reprobated the project of substituting a third estate in the manner proposed, and declared, that if any such puppet, any such idiot should be set up, he begged to have it known, that he disclaimed all allegiance to it. It should be a God—a God of the Constitution that he would worship, and not a phantom, not an idol. Should the two Houses of Parliament erect such a phantom, should they exercise the power of appointing a *thing*, a creature of their own, without free-will, incapable of exercising discretion, and giving a dissent as well as of giving assent to their measures, they would, he said, be resolving themselves into a kind of Republic, and acting most unconstitutionally. After condemning all absurd mechanics and all absurd metaphysics, he expatiated on the impropriety of using the fiction of the King's name to the commission above referred to: he took notice of the proposal for limiting the authority of the future Regent, and putting him under restrictions; a proposal, one reason assigned for which was, to prevent the effects of the ill advice to which his Royal Highness would be exposed from the party to whom he seemed at present attached. This idea of limitation would, in his opinion, be unjustifiable and unmanly; it would be taking an advantage of his Majesty's unfortunate and calamitous state, with a view to attack and abridge the rights of his son. He loudly complained of the friends of his Royal Highness being proscribed, and marked down as the objects of ministerial vengeance. With regard to the creation of Peers, any proposition for preventing the too great increase of honours, would come with an ill grace from one who, since the year 1784, had made so large an addition to the Peerage. Suppose his Royal Highness should think proper to make Peers of some of his brothers, the sons of the King, or suppose he should be inclined to revive the memory of the Marquis of Rockingham, by a renewal of that title, or to bestow some honours on any branch of the illustrious House of Cavendish, would it be decent or honourable to restrict him in the exercise of

such

such a privilege? Mr. Burke mentioned the early ebullition of loyalty in the late Marquis of Rockingham, who, when a boy, ran away from his parents, to General Honeywood's camp, that he might go and fight against the rebels. Mr. Burke said, he could mention several others, on whom, should his Royal Highness be pleased to confer the Peerage, it would not be a sufficient reason to disgrace him. [The cry of *Hear ! Hear !* occasionally made] Mr. Burke said, as to those signs of vociferation without reason, he could find a pack of hounds, who would produce better sounds. After making a great variety of pointed observations on the Rights of the Prince, and the injustice, and unconstitutional conduct of abridging him of any of the executive powers during his Majesty's incapacity, which he considered as a *Civil Death*, and after putting it as a possibility that his Majesty might not recover, notwithstanding the present expectation of his Majesty's Physicians, in which view of the case, the whole of the Prerogative, he contended, ought to be given to the Regent, who would then be the same as the Sovereign, he concluded by saying, that the plan of abridging the Prerogative in the hands of the Regent, favoured of a proscription which the Sylla of the day meditated against the adverse party. [In the course of his speech, Mr. Burke introduced an account of the late Mr. Beckford's having been called to order in that House, and his words taken down, in order to shew that the usual practice of the House had been, to give a Member an opportunity of explaining himself, and not to make any thing that fell from him in the course of his speech, the subject of a joint Resolution of the two Houses of Parliament. He also took notice of the famous Order of Council, when Lord Camden was in office many years ago, and of other singular matters.]

The *Solicitor General*, repelled the doctrines he had heard, as if Sir John his Majesty was not in his politic capacity, whole and entire. He ^{Scott.} urged the expediency, as well as the propriety, of adopting the mode of procuring the Royal assent proposed by the Chancellor of the Exchequer, declaring that from some of the arguments he had that day heard, a doubt had arisen in his mind, whether the Right Hon. Gentleman did not mean to sacrifice the Constitution. He asked, would any man dare to put a Question whether the King yet sat on the Throne or not? For his part, he was determined to support

support the law, because the law supported the King on the Throne. He had never said, that none of the Royal Family were Heirs to the Crown, but sure he was, that only one of them was his Heir, and it was with a view to secure him in his Right to Hereditary Succession, that it was absolutely necessary to proceed as the Resolution provided. The Throne was at present full of the Monarch, and no man dared to say that his Majesty was deficient in his politic capacity. He, therefore, should vote upon the simple ground of preserving the forms of the Constitution; and be it remembered that upon the preservation of the forms depended the substance of the Constitution. With regard to the pageant and the puppet that had been talked of, King William submitted to be that puppet, and if he had not, he could not have had the Crown. He had heard a great deal about limitations, but he would not say one word upon that subject then; when it should come properly under consideration, he would freely speak his sentiments upon it. From what he had heard from the noble Lord in the blue ribband the other night, it had given him the comfortable hope, that if the noble Lord had ever forgot his Sovereign, the noble Lord would not now forget him. He adverted to what had fallen from Lord North last week relative to the Precedent in the infancy of Henry the Sixth, when the noble Lord had declared, that the Parliament then assembled, though the Great Seal had been put to the Commission by a babe nine months old only, that it was a perfect Legislature, consisting of King, Lords, and Commons. It had been said on a former day, that if the two Houses could do what was proposed, they could do any thing; if they could go so far as to procure the Royal Assent, in the way before stated, to the Regency Bill, they might proceed to pass other Bills in the same way; but this was neither a just nor a fair conclusion; it was a maxim which ought to be attended to, that the right which is created by necessity, is also limited by the same necessity; consequently they were to provide merely for the necessity of the case, and not go beyond it. As a justification of the use of the Great Seal in the King's name, he observed, that, notwithstanding his Majesty's temporary incapacity, in the eye of the Law, his politic character remained entire; that any measure taken to subvert or act contrary to that acknowledged maxim of law,

law, would perplex and embarrass the consciences of the judges who were to declare the law, and that, on this ground, there would be no illegality in applying his name to the Bill in question. No Regent, he was persuaded, could be legally appointed but in this way. He defined the rights of the two Houses, and spoke of the last Regency Bill in 1765, for the security of the hereditary succession, and to guard against the danger of the Crown's devolving into the hands of an infant. He said, he saw some gentlemen present who at that time sat in Parliament. He appealed to them therefore to know, whether or not it was their meaning when they passed that Bill, to clothe the Regent with all the powers of a King? The succession to the Throne was undoubtedly hereditary, but the exercise of the Government, the wisdom of ages had left it to other times to provide for, when a necessity like what existed at present should occur. However all might reprobate the Precedents that occurred in the reign of Henry the Sixth, the two Houses then provided for the exigency by forms; they put in a puppet, and gave that puppet powers extremely short of the powers of a King. A Regent was then appointed, as now, by the two Houses, nor could a Regent ever be appointed but by the two Houses. If a Commission had been made, before the two Houses met on the 20th of last month, to open the Parliament, he was of opinion that it would have been legal. Those who asserted that the quick and short way of making a Regent was the best way of making a Regent, it was they who in fact declared the two Houses could make Laws. They might talk what they pleased of legal metaphysics, the law was as he had explained it, and he could not help taking notice of a Question that had been put to him by an Hon. Gentleman, a worthy friend of his, whose mind ought to have been more full of the legal entanglements as they had been called. That Hon. Gentleman had said, that if they could, by putting the Great Seal to a Commission, make a Legislature, why had they not dragged the Thames for the Great Seal at the Revolution, and then they might have gone on passing Bills without calling in William and Mary? He would tell that Hon. and Learned Gentleman, that let the Throne be vacant, and he cared not where the Great Seal was. When the Throne was vacant, every function of the executive Government was at an end; the

Courts of Justice did not sit. Whereas, at that moment, let Gentlemen recollect the Courts were sitting, and the Judges proceeding upon that very maxim, that the political capacity of the Crown was entire. William, the great deliverer of the nation, was not ashamed of being the puppet that had been described. At the Revolution, the nation resolved on what they would have, and Parliament, after the Legislature was complete, thought proper to make an act, declaring that all was right. Sir John said, he was not to be told that they would do every thing, because they were endeavouring to adopt the constitutional mode to make Parliament complete. He added several other legal arguments, and concluded with protesting solemnly that the opinion that he had given was from principle, uninfluenced by any motive, but a regard for the constitution, and a reverence for the wisdom of ages, on which he advised the House to act, by voting the original Resolution.

Sir John
Aubrey.

Sir *John Aubrey* arose and said, upon the present occasion I find it impossible to discharge my duty as a Member of this House, without, in *some degree*, differing from those with whom I have for some time acted.

I *concur* with them in rejecting the doctrine of a Regency *de jure* in the Heir to the Crown; because it is against *precedent*, and against *the Law of the Land*, and was so declared in Parliament in the reign of Henry VI. In fact, as I see the subject, *it is no case of Regency in any person*, except as the *whole* Parliament shall think fit so to treat it. The law of England, as I have been instructed, acknowledges neither infancy, nor delirium, nor any personal infirmity, to belong to the King upon the Throne; for in *this respect the law looks only to his political character*; and supplies him with Councils to enable his acting politically, even when naturally he is most incapable.

But, I *do not concur* with them in thinking the House, at this moment, competent to exercise any of its Parliamentary Functions, more especially its Legislative one; or to do any thing tending to such an exercise. The King has not yet appeared either in his person, or by proxy, that is, by a Commissioner representing him. I take it to be the essence of Parliament, that the three branches of the Legislature should be assembled, before one begins to act.

But

But only two are now met, the first of the three being absent. Till this branch shall appear, I agree with the sentiments contained in a very recent publication, by one, whose authority, as a well read and consummate lawyer, is so justly and universally acknowledged, and with whom I have the honour to be connected by friendship, that without the King we are only a CONVENTION. But in the present case there is no necessity for resorting to a mere CONVENTION of the two Houses. The King's person may be constitutionally supplied by a Commissioner; and that Representative in the present extraordinary situation, will, in point of propriety, be the Heir Apparent to the Crown. Till this chasm in Parliament shall be filled, I cannot assent to joining in any vote, or any other business of the House, beyond voting for a previous question, or some other question tending to prevent our further acting as a House. When this chasm shall be properly filled up, when the Parliament shall be full by a representation of the King, I shall cheerfully and heartily concur in the seemingly general sentiments of making the Heir Apparent *Sole Regent*. As far also as my consideration of the subject hitherto can intitle me to speak, I confess I am not in the least disposed to adopt those restrictions, which have been opened to the House, as probable parts of the intended Regency Bill. I dread the effects of a *distrusted, curtailed, and consequently enfeebled* executive power. I wish sincerely to join in every proper respect to our most gracious and afflicted Sovereign, and in *providing every security for his returning to the personal exercise of his authority, the moment his present calamity shall cease to operate*. But I cannot think, that the proposed restrictions would be approved by himself, was he restored to his former health. From his known love of his country, and from that liberal benignity of mind which soars above the flights of Envy, I must presume, that he would not wish to encrease the public distress from his present afflicting malady, by rendering the Heir Apparent to his Crown, and his intended Representative, less capable of performing the whole of the Royal functions, than he himself was before the commencement of his illness. The argument for restriction proceeds upon a supposition, which might warrant *future permanent* restrictions on the executive power. If the Heir Apparent is not fit to be entrusted as a temporary Representative for his father, it claims

from us restrictions to check the Prince, when he shall have the executive power as a principal and in his own person. Had he committed any overt act, indicative of a disposition to abuse the Royal authority, he ought to be equally restrained in both cases. But to restrain him in either case without provocation, strikes me as unjust to him, and dangerous to the State over which he is to preside for his father. In truth, the argument for restriction of the Prince as a Regent seems more to favour of prejudice against a particular party in the State, than to concern the general and public welfare. And though I not only stand unconnected with that party, but have severely suffered by their violent opposition to the choice of me by the county, for which I sit in Parliament as one of its Representatives; yet this remembrance avails not to influence my opinions upon so momentous a business, as that which now calls for our decision.

Such are my general sentiments upon the present important crisis. They were the same when we met last Tuesday, and I then meant to have declared them. But in the early part of the Debate, I found no opportunity of addressing the House; and I was forced by the remnant of an illness, which has long had possession of me, to leave the House, without waiting, either to declare my opinions by speaking, or to act upon them by voting.

Lord North. Lord *North* said, he had listened the last time he was there with great attention to an Honourable and Learned Gentleman. He had heard him charge him with having been mistaken as to the Revolution. He did not see a single conclusion to be drawn from what he had said. He agreed, his Lordship said, with the Hon. and Learned Gentleman who spoke last, that they must restore the third estate. He wanted to see King, Lords, and Commons once more; but he could not think Lords, Commons, and the Great Seal, were the three estates. He wished for three real estates, not three estates made up by forms and fictions of law. He knew not much of the Hon. and Learned Gentleman who spoke last, but by character. No character, he understood, rank'd higher in his profession than that Hon. and Learned Gentleman; he had that night laid down many excellent, good, and true maxims, but he was sorry, after maxim had followed maxim, at last to find so impotent and inconsistent a conclusion drawn from the whole series.

series. The Honourable and Learned Gentleman had said, the two Houses were assembled to restore the third estate, and that what necessity creates, necessity limits. He admitted that it did so; then what had they to do? They had declared the defect in the exercise of the Sovereign authority; what remained but to supply the defect and to do no more? The necessity of the case, according to the Hon. and Learned Gentleman's maxim, commanded them to go not one inch further; if they did, they usurped the prerogatives of the Crown, and would become themselves the third estate. There were, he observed, two ways of filling up the vacancy, one plain, clear, simple, and short. There was a person plainly pointed out by the universal consent of all men, as the only person fit to represent the King. Declare that person Regent, and give him the government of civil and military affairs. The other, that the Lords and Commons should determine on the means to supply the deficiency. His Lordship here repeated the words of the Resolution, and said, the way the Right Hon. Gentleman and his friends meant to carry that Resolution into effect, would be for the Houses of Lords and Commons to pass a Bill, which Bill was to receive the Royal Assent from a person not invested with the powers of a Regent, but merely appointed by them to give the Royal Assent to their own Act. There did not appear to him, that when that was done, there would be three estates; there would be only two. The Lords and Commons and their Deputy, without discretion, without any of the powers to dissolve, or any other of the functions of the third estate; in fact, therefore, the whole Legislature would consist of Lords and Commons only. He did not wish to be ludicrous on so solemn a subject, but the only mode of reasoning at all resembling this, was the famous cause, *Stradling versus Styles*, reported by Martinus Scriblerus. The cause was as follows: Sir John Swale had bequeathed to Mr. Matthew Stradling all his black and white horses, and Sir John left behind him six black horses, six white, and six pied horses. Stradling claimed the whole and reasoned thus: the black horses are mine because they are black, and Sir John left me six black horses; on the same principle the white horses are mine; and again I contend, that the pied horses are mine, because Sir John left me all his *black and white* horses.

In like manner, the three Estates of the Legislature were to be made out; first there was the House of Lords, then there was the House of Commons, and then there were both Lords and Commons. The Hon. and Learned Gentleman had said, the forms of the Constitution were the substance of the Constitution; if so, could they introduce the forms to destroy the substance? His Lordship declared his quarrel was not with the Great Seal, but with those who would not allow them to have any thing else. He wanted a real existing third estate, capable of exercising its functions, capable of using its discretion, capable of preserving the balance of the Constitution. Let the House turn to the period that had been so often mentioned, the Revolution; let them look at the Bill of Rights; they would see in the body of that Bill, a Declaration of Rights which the two Houses had come to, and sent to the Prince of Orange as their claim of established Rights, and as the condition of his having the Crown. The two Houses had only declared and prepared such a Claim, but had no power to enact it, nor did they enact it till the third estate was added. The same line of conduct ought to be now pursued. They ought not to think of enacting any thing like a law, till they had supplied, not with a mere man of straw, a tool of power, a puppet, a creature of their own, but with a substantial body, the vacancy in the executive department. The Hon. and Learned Gentleman had dwelt on the perfection of the King's political capacity; but if that idea served as the foundation of a commission under the Great Seal for passing one Bill, as if the Throne was completely occupied, it might be carried to a much greater extent; and they would have no occasion to think of supplying the vacancy. If it was to be filled up, let them adopt the simple mode of acting recommended by the Hon. Gentleman's amendment; let them address the Prince of Wales, desiring him to take the reins of Administration in his own hands; and then would be the time, after the Parliament should have been regularly opened, to propose any Bill that might be deemed necessary, with regard to limitations, or restrictions. His Lordship said farther, that as soon as they had appointed the Regency, and rendered the Legislature complete, it would be their duty to take effectual care that his Majesty, as soon as God Almighty should be pleased to restore him

to his people, might again resume his powers. They would have further to provide for the care of his Royal Person, and he held it as a clear line of policy that the Regency, and the guardianship of the Royal Person, should be in different hands. In the Bill, that the two Houses might adopt for such purposes, could be included every restriction thought necessary to be proposed by that House, and to what the two Houses should agree there was not any probability that it would not receive his Royal Highness's assent. His Lordship, after a short panegyrick on the present conduct of the Prince, concluded with observing on the ungracious appearance the proceedings of the House must have to his Royal Highness, and by declaring himself for the amendment.

Lord *Fielding* reprobated the Resolution as originally moved, Lord *Fielding* declaring that it would form a dangerous Precedent to future times. A bad Minister might make so ill an use of it, that as it had been said, "Give me but where to set my foot, and I will shake the earth;" so a bad Minister, with such a Precedent in his possession, might make it the means of effectually subverting the Constitution. His Lordship gave it as his opinion, that an immediate declaration be made of the Prince of Wales, Regent. They had not, he said, any reason to distrust his Royal Highness, or to imagine that he would not submit to any restrictions or limitations that Parliament might think proper to impose, after the Legislature should be complete. At the period of the Revolution, a confidence had been placed in the King, nor was it till after he had been declared King, that the Bill of Rights, and other settlements and securities of our liberties were adjusted, and passed into laws, and surely the chance of his Royal Highness's submission to the will of Parliament, after the gracious declaration that had been made from such high authority in another place, was much greater than that of the Prince of Orange's consenting to give the Royal Assent to the Bill of Rights had been. Let Gentlemen consider the difference of the two characters. The Prince of Orange was a foreigner, and had an army of foreign troops in the kingdom, and the greatest part of that army near London. Whereas the Prince of Wales, was a Prince born among us, whose filial tenderness and natural goodness of heart had already endeared him to all who knew him, and gave the best promise of

his being as anxious with the legislature in securing his father's rights as that or the other House of Parliament could wish or expect. His Lordship declared he should vote for the amendment.

Mr. Fox.

Mr. Fox began with stating, that he should be as short as the nature of the question would allow, neither being in health sufficient to support him to intrude longer upon the time of the House than he could possibly avoid, nor thinking that the question could not be argued in all its bearings without going very much at length into reasoning on the subject. He declared, with many of the positions laid down by the Honourable and Learned Gentleman, who spoke second in the debate, he perfectly concurred, though he differed with him totally as to their application; conceiving, as he would explain to the House, that they rather went in favour of the side of the argument that he supported, than in favour of the argument set up by the other side of the House, in support of the question originally moved. He agreed with the Honourable and Learned Gentleman, that the forms of the Constitution were essential to the substance of the Constitution. Undoubtedly they were so; but then they ought to take care not to mistake the forms for the substance. The forms of the Constitution were to be considered as the guards and outworks, and so long as they continued faithful in their office, were certainly essential to the substance; it behoved them to watch them, however, with a jealous eye, and to see, that they were not used to betray the Constitution, and thus the substance given up while the forms were preserved with a scrupulous affectation. He proceeded in the first place to examine the Precedents that had been produced by the Committee, and to see how far they applied to the Question as originally moved. These Precedents naturally divided themselves into two branches, the Precedents in the reign of Henry the Sixth, and the Precedent of the Revolution. Before he spoke of the former, it was necessary to observe the distinction between a Parliament and the two Houses of Parliament; for, in the history of the times antecedent to the Revolution, the Parliament and the two Houses of Parliament were frequently confounded under the general description of the Parliament; he would, therefore, throughout his speech, when he alluded to the

two Houses of Parliament, call them the two Houses of Parliament, and when he meant the Parliament he would call it by a different name, that of the Legislature, since that word would more plainly describe what a Parliament legally constituted was, and it would be the less likely to mislead and confound the House. By a Legislature, Mr. Fox said, he meant three estates of King, Lords, and Commons, but that he should never consider as the third estate, which had no right to exercise its discretion in giving the Royal Assent to, or Dissent from any Bill, that was sent to it, or that had not the power of proroguing, dissolving, and convening Parliament. Those powers were necessary to arm the third estate with the means of encroachments of the two Houses of Parliament, and preserving the balance of the Constitution. Having stated this expressly, he noticed the Precedents on the Table. On the demise of Henry V. the Crown devolved to his son, an infant of only nine months old. On the death of his father, the Counsel at that time in existence repaired to the Infant King, and the Bishop of Durham, then Chancellor, delivered the Great Seal; not, he supposed, into the personal hands of Harry the Sixth, because he could hardly be capable of receiving it. The Duke of Gloucester, the nearest of kin to the King, took the Seals, and delivered them to the Master of the Rolls, directing him to put the Great Seal to a Committee appointing him Protector in the name and on the behalf of the King, also to a great variety of Commissions, and to a number of Writs, summoning a Parliament to meet at Westminster. In that Parliament one of the first things done, was to pass an Act of Ratification and Indemnity, for having summoned a Parliament in that manner, and to declare it a legal Parliament. Here then was a regular legislature which recognized the third estate in the person of the Duke of Gloucester, who represented the Crown, and had all the powers and prerogatives in their full extent, in like manner as if he had been the Sovereign. And it was observable, that such was the responsibility annexed to the Duke of Gloucester's high office, that amidst all the various Acts of Indemnity passed by that Parliament, the Duke desired no indemnity for having thus employed the Great Seal. This instance clearly made not in favour of the Amendment moved by the Hon. Gentleman behind him, to address

dress the Prince of Wales to take upon him the Regency, but at the same time it went directly against the Resolution, as originally moved by the Right Hon. Gentleman, because by that they were called upon to set up a Pageant without the exercise of the right of discretion in giving either an Assent to a Bill, or a dissent from it; a mere puppet, a creature of the two Houses of Parliament, directed to obey them, and obliged, without any discretion, to give the Assent to such Bill or Bills as they should think proper to pass. The other Precedents in the reign of Henry the Sixth, were those of the 32d and 33d years of Henry, when through a temporary infirmity of the King, the Duke of York was appointed Regent. Mr. Fox commented on those two Precedents, and shewed, that in both, there was an actual third estate, exercising all the discretion as to the giving the Royal Assent or Dissent, enjoying the power of dissolving, proroguing, and convening the Parliament. From these ancient Precedents, Mr. Fox proceeded to take notice of that of the Revolution, and said he should wholly lay out of the case, as inapplicable in point of analogy, all the circumstances of the alarm that prevailed from the danger to the nation of losing its Liberties, Religion, and Constitution, on which account the Convention set aside King James and his Son, the Prince of Wales, or pretended Prince of Wales, did not appoint Queen Mary, and declared William and Mary King and Queen, obviously for the reason, that he was the only person fit for them to chuse, because he was the only person capable of defending their Liberties and Religion, and preserving the nation from the imminent danger with which it was threatened. At the Revolution, the two Houses, without entering into a previous resolution, proceeded to declare William and Mary King and Queen. That, therefore, was a case which considerably strengthened the mode of proceeding which the Amendment proposed. After laying great stress on this, Mr. Fox mentioned the distinction between the acts of a Legislature, and the acts of the two Houses. The latter, he said, were always done by vote, resolution, and address; the former by its bills, which received the Royal Assent and became Acts of Parliament. Having fully argued upon the Precedents of the Revolution, and recommended it to the House as a fit example for them to follow on the present occasion, he said, he would admit that which ever way they proceeded,

ceeded, whether by Address to the Prince of Wales, to take upon himself the Regency, or by adopting the method suggested by the original Motion, in either case, there would be something informal in their first step, but in the mode he had proposed there was only one informality, whereas the other mode consisted not only of an informality, but of a direct fraud. He agreed with the Hon. and learned Gentleman, that the power arising from the necessity of the case, as every power of that sort did, prescribed its own limits. What was the necessity of the case? Merely the defect in the exercise of the Sovereign Authority, occasioned by the declared incapacity of his Majesty, the want of a Regent, or some person to represent the third estate, and enable them to hold a Parliament. Why not go the shortest way to do so, by voting an Address, and thus at once restore the Crown to be in a capacity to legislate? Mr. Fox said, it had remained for the metaphysical Lawyers of this day to discover, that it was necessary to resort to the coarse and clumsy fiction that was to be put in practice, to enable them to fit with legal Parliamentary authority. He said ironically, he supposed that Sir Oliver Sinclair, and the other great Lawyers at the period of the Revolution, were negligent men, who let the House proceed without resorting to the method now proposed. Had Sir John Scott been at that time Solicitor General, the case, he had no doubt, would have been different. After mentioning that instead of a Commission appointing the Lord Chancellor Regent *pro tempore*, such a Commission ought to pass the Great Seal, declaring the Prince of Wales Regent, and after a great deal of reasoning against the original Resolution, and repeatedly contending that the thing to be set up was not a third estate, but the Houses of Lords and Commons converted into a pretended third estate, though clearly a very different sort of creature; he took notice, that although the opinion he had held of the Right of the Prince of Wales to the Regency had been flatly denied, and the Right of the two Houses asserted and declared in a Resolution, it was not a little whimsical that now, when the Regent was to be declared, instead of exercising their declared Right, the House resorted to another, the Lord Chancellor, to do it for them. He said it was a power never before held by that great authority, or any other subject. He denied the necessity

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for any such proceeding, and maintained, that to resort to it, was to exceed the necessity of the case, and to establish a fatal Precedent, that might in future times be abused to the infinite disadvantage of the interests of the people.

Mr. Pitt.

The *Chancellor of the Exchequer* rose, and began with complimenting Mr. Fox on his having that day delivered his opinion free from the smallest appearance of that asperity and warmth of which he so frequently had occasion to complain; he assured the Right Hon. Gentleman, that he sincerely lamented that the reason of his not having gone into so ample a discussion of the Question as he otherwise would have done, was owing to ill health; he wished to have had the Question sifted to the bottom, because he was convinced that the more it was agitated, the more it would be found to be drawn agreeably to the true fundamental principles of the Constitution. He said, he should have no occasion to take up much of the time of the House, because the true point of the Question appeared to him to be within a very narrow compass. He was not fearful of treading over the ground of the Right Hon. Gentleman, which he would endeavour to shew in a very different light, and draw very different conclusions from, before he would submit to the House those particulars on which he wished to rest the grand Question. The Precedents before the House, which had been on a former day reprobated, as in no manner analogous, and as Precedents that could not for a moment be borne with, were now referred to the House, not to judge of as forming a fundamental principle of the Constitution, but as shewing the modes which ought to be adopted in the present crisis. He would contend, however, that they tended to shew, that upon the suspension of the Royal Authority, the power rested with the two Houses of Parliament to provide for such deficiency; they tended to shew the solemn opinion of Parliament, given upon a Claim of Right being made. In the case of the infancy of Henry VI. his name was used, and he was made the instrument to give vigour to the measures taken by the two Houses of Parliament: there was, however, a material difference between those times and the present. At the death of Henry V. there was no Parliament: the case was now the reverse; a Parliament existed, and had been summoned by the King's own writ. The Right Hon. Gentleman, in alluding to
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the reign of Henry VI. said, that Acts of Indemnity had been passed in the first Parliament assembled during his reign for every trivial measure that had been adopted, even for every writ that had been issued under the Great Seal; but that no Act of Indemnity had been passed for the great and important office the Duke of Gloucester had taken upon himself; the Hon. Gentleman would, however, upon the investigation of the first Act of Indemnity, find himself mistaken, for the Act included the Duke of Gloucester, by granting an indemnity for all other Commissions. He wished not to allude for a Precedent to the times subsequent to the battle of St. Alban's; the power the Duke of York supported was shown by the Parliament long before that battle. He not only disagreed with him in the statement and conclusion of the Precedents of Henry VI. but also in the conclusion he had drawn from the period of the Revolution. He agreed with him, that there was much inapplicable, and some applicable. He agreed with the Right Hon. Gentleman, that the proceedings of those times, when influenced by the arms of their natural enemy the French, or by any other political measure, ought not to be considered in point; but such as were according with the forms of the Constitution he considered as applicable; the inference to be drawn was, that not having a King, they proceeded to fill up the Constitution, and in so doing, they did not take the choice of a King, but had recourse to that person who appeared to them the most likely to protect their liberties and their rights; feeling the necessity of the case, they had taken measures nothing short of a Legislative Act; they had proceeded upon the principle of the Constitution, though not according to the forms of the Constitution; and what was deducible from those measures was, that in cases of necessity to provide for the public safety, the power belonged to the people, through their representatives, the Lords and Commons, up to the fullest extent of his argument; whatever included with it, in the measures taken at the Revolution, the Principles of the Constitution, he considered as applicable to the present moment. Upon what principle did they proceed to an Address to the Prince of Orange? Their situation was widely different from that of the present times; they had to provide for the filling a Throne that was vacant; at the present moment the Throne was full. The Right Hon. Gentleman had said, that according

cording to the 13th of Charles II. the two Houses of Parliament cannot proceed to legislate without a King; the conduct of the Revolution had contradicted that assertion; they had acted legislatively, and no King being present, they consequently must have acted without a King. He asked, could the Throne be vacant during the life of a King? He trusted that no man would assert the affirmative, though he had heard something of such an idea from the Right Hon. Gentleman (Mr. Burke). [Here a cry of *No! No!*] Was it possible that our situation could be similar to that of the Revolution, when we had a King on the Throne who had never forfeited his Right? His political capacity remained as entire and as perfect as ever, but from a natural incapacity he could not act; the two Houses of Parliament could not therefore abide by the Act of Charles II. any more than it was abided by at the Revolution; they were as much prevented in the present instance by the Act of God, as they had been at the Revolution by the absence of the Sovereign, and were as much justified now to deviate from it, as they were at that glorious Æra; that Act might have been with equal propriety pleaded as an irresistible bar to the Revolution, as to the measures now intended to be taken. The Right Hon. Gentleman had asserted the use of the Great Seal to be irregular, if applied to form the two Houses into a Parliament. The Address proposed would be equally exceptionable; for his arguments went to prove, that to put us speedily in the situation which we want, the Prince might be appointed by Address, or might act under the Great Seal. It was then asserted by that Right Hon. Gentleman, who had just before declared the use of the Great Seal, without the King's consent, to be a gross fiction, that the two Houses of Parliament, who could not do it directly, might, by an Address to a third person, appoint the use of the Great Seal, which neither he nor they had a right by the former argument to use at all. The shortest and the easiest way to obtain the completion of the Legislature, as stated by a noble Lord (North), was, in his opinion, the mode most dangerous to the Constitution, and that which tended to the most violent use of the King's name, without his consent. Was the Regent so appointed to act in his own name, or in the name of the King? one or the other he must do; if in his own name, he dethroned the King; if in the name of the King, it must be without his consent:

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the using of the King's name without his consent had been asserted to be a gross, a clumsy fiction, but by that fiction the courts of law were now upheld. That fiction was the support of hereditary monarchy, so strenuously argued for; the grand principle and foundation on which hereditary monarchy had rested, was the political capacity of the King ~~ever~~ remaining entire, and it could never be set aside while living, and not having forfeited the Crown. That was the grand principle that supported hereditary right; what else could have protected the infant monarch in a cradle, or the infirm diseased old King on his bed of sickness? If the doctrine now attempted to be advanced, of the Right of an Heir Apparent to assume the exercise of Royal Authority on the infancy or indisposition of a King, should be once established, an adieu might be bid to all hereditary succession, or even to the enjoyment of Kingly Power during life. If the Lord Chancellor should put the Great Seal to any Act, no power in the country could say it was not law. It would be presumption in the Chancellor on his own opinion to put the Great Seal to any Act, purporting to give the King's Assent; but if that Assent could not be implied without the Great Seal, no man, he presumed to think, would say, that the wisdom of the whole Council of the Nation, to guide the political capacity of the King in a moment of such pressing exigency, was a coarse, a clumsy forgery, and an idle fiction. By the second Resolution of the Committee, and to which the House had agreed, they declared it to be their Right and Duty to provide the means of supplying the defect of the personal exercise of the Royal Authority; having asserted that Right, they would be betraying their duty if they abdicated a part of that Right, which might eventually put the remainder out of their power to exercise. If the Prince was put in possession of the Regency, with the full powers and prerogatives of a King, he might immediately dissolve the Parliament; but it had been said that he *probably* might not; he might, however, with those powers, previous to the discussion of the Restrictions, prevent their taking effect by pouring in a number of Peers into the Upper House during the agitation of the Limitations in the Lower House. Whether the Limitations ought or ought not to take place, they ought to be discussed while they had the power of discussion; it might be the opinion of some, that during so short

an interval of indisposition very few powers were necessary to be given; it was at least a doubtful question, whether it was necessary for the public safety to give the whole powers of Royalty or not. The Right Hon. Gentleman had said, they must limit what they did by necessity; in that opinion he fully agreed, and in that opinion the two Houses were justified in delegating to whom they pleased, and what portion they conceived necessary of the Royal Authority. The wish of the Gentlemen on the opposite side of the House was, that they should give the whole power, before they knew whether it was their duty to give more than a part. The true Question he conceived before the House was, whether the granting the full power at present might not hereafter, when it should please God to restore his Majesty to the prayers of his people, be the means of diminishing the power of the rightful Possessor of the Throne. He pretended not to know who were to be his Royal Highness's advisers; he should be happy did he not conjecture who were *not* to be his advisers: The House, when they were told that it was not probable his Royal Highness would refuse his assent to any restrictions on the Regency, that might be subsequently proposed, ought to look to those who probably might be his advisers, and to consider whether they might not persuade him to refuse his assent to any limitations that might be offered. If they trusted the power of enforcing what limitations might be deemed necessary out of their hands, they might not be able to exercise their duty, and would by such neglect sacrifice the respect they owed to their Constitution, to their King, and to their Country; for these reasons, he concluded in favour of the Resolution, and against the Amendment.

Mr. Fox. Mr. Fox rose to explain two or three points that the Right Hon. Gentleman had misunderstood. He had not said that all fictions of law were coarse fictions; he was well aware that there were some fictions laudable fictions, but was that the case in the instance under their consideration, where the King's name was to be used, when it was notorious that his will could neither be known or obtained? The third Estate to be set up on the present occasion was something with no will of its own, no discretion, but acted merely as the two Houses thought proper; it was a mere creature of theirs, and if resorted to once might be resorted to again and again. The

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Right Hon. Gentleman had talked of giving a part of the Royal Prerogatives to the Regent; was he aware that to give a part of the Royal Prerogatives could be more than a gift of the whole, because if they gave a part of the Regal functions, they changed the Regal functions, and proceeded to create a description of persons unknown to our Constitution. Mr. Fox renewed his arguments against setting up any thing for an intermediate Regent, which could neither dissolve, prorogue, nor convene the Parliament, nor exercise the power of discretion in giving either his assent or his dissent to such Bill or Bills as should be presented to him from the former. These powers in the third Estate, he said, formed an inherent principle in Legislation.

Mr. *Powys* thought any thing preferable to the mode proposed Mr. *Powys* in the Resolution originally moved, but he entertained great doubts whether the measure of presenting an Address did not out-run the Precedent. Was the Honourable Gentleman, who moved the Amendment, sure that his Amendment would answer the end proposed? At the time of the Revolution, he believed certain propositions and declarations of Right were sent to the Prince of Orange, as the conditions on which they tendered him the Crown; if no conditions accompanied an offer of the Regency, might not that preclude the House from the discussion of a Bill of Limitation and Restriction, should any such hereafter be thought necessary.

Mr. *Fox* said, an Address, if voted, would give the Regent no Mr. *Fox* absolute power, but it would enable him to hold a legal Parliament, with whom would rest the legal appointment of his powers, then to be defined, if any limitations should be deemed desirable.

Mr. *Burke* rose to explain. He believed the Right Hon. Gen- Mr. *Burke* tleman alluded to words uttered by him. He had neither said, nor meant to say, that if his Majesty recovered, he ought to be set aside: he had only said, that during the continuance of his Majesty's present incapacity, he considered him as civilly dead, and whilst his Majesty should so remain, the third Estate ought to devolve on the King's successor, being of age, and of full capacity.

Mr. *Drake* declared he was averse to the Resolution, and had Mr. *Drake* doubts of the propriety of the Amendment. He wished to know

if voting the Address would preclude him from giving his opinion on the Limitations hereafter.

Mr. Smith and *Sir Charles Gould* spoke under the gallery.

Mr. Mar-
sham.

Mr. Marsham declared he felt the same difficulty with *Mr. Drake*, (who had withdrawn). He said, he objected to the Resolution, and should vote for the Amendment, but under the idea that he was not by so doing in any manner bound from giving his opinion on the question of Restrictions, on which he had not yet made up his mind.

Mr. Sheri-
dan.

Mr. Sheridan wished the Hon. Gentleman had not withdrawn himself from the House, as he was persuaded he could have satisfied his mind completely. *Mr. Sheridan* contended, that the present Question was directly connected with that of the Limitations. The Right Hon. Gentleman's arguments went to prove, that if the House adopted the present Resolutions, they would then be enabled, without the possibility of disappointment, to make what restrictions might be thought proper; but if they did not, that then the restrictions, they might wish to have made, might be impossible for them to carry into execution. The noble Lord, he said, had not merely declared, that it was not probable that his Royal Highness would, on his being made Regent, dissolve the Parliament, but that it was nearly impossible, for how was money to be obtained to carry on the Government. He saw but one reason for the Right Hon. Gentleman wishing to limit the Prerogative, as he knew by his own *experience* what was subject to abuse; he knew that the Prerogative of dissolving a Parliament, and of sending a number of Lords to the other House, might be abused; such powers in the Prince he, however, did not believe would be misused. There was no doubt, he said, but the first act of the Prince would be to limit the Regency; limitations that would come with much better grace after the appointment than previous to it. The Prince, he was confident, would not so far forget the duty he owed to his country, and the respect he held for his Father, as to dissolve his Parliament immediately; nor was there any person, he was confident, who would argue such a thing as more than barely possible, much less as probable. He conceived the motive of the Right Hon. Gentleman to be, in plain English, an apprehension, that if he were Minister, no restriction whatever would be adopted. *Mr. Sheridan*

asked,

asked, what provision there was made, provided his Royal Highness should refuse the Regency? Some provision ought, he conceived, to be made for such a circumstance, although he did not think any friend of the Prince would be rash enough to give him such advice.

Mr. *Rolle* spoke in favour of the Resolution.

Alderman *Sawbridge* was on his legs when the strangers were desired to withdraw; at length, after much struggle for the Question, the Question was put.

At half after twelve o'clock the House divided upon the Resolution, when there appeared,

<i>Ayes</i> (for the original Motion)	-	-	251
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<i>Noes</i>	-	-	178
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Majority for the Minister	-	-	73
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At One o'clock the House adjourned.

Tuesday, December 23.

The Marquis of Worcester reported, that the Lords had agreed to a conference.

A Committee was then appointed, which consisted of the following Honourable and Right Honourable Members, viz.

Marquis of Worcester	Lord Apsley
Chancellor of the Exchequer	Secretary at War
Marquis of Graham	Sir Joseph Mawbey
E. J. Eliot, Esq;	Lord Frederick Campbell
Alderman Watson	Lord Belgrave
Earl Mornington	J. Rolle, Esq;
Earl Courtoun	Master of the Rolls.
Lord Advocate of Scotland	

As soon as the Committee returned, the Marquis of Worcester reported, that the Managers had met, and that the Conference, on behalf of the Lords, had been conducted by the Lord President, Lord Privy Seal, Duke of Richmond, Marquis of Caermarthen, Lord Sydney, Lord Hawkesbury, Lord Morton, &c.

The Call of the House was, upon Motion, further adjourned until the morrow se'nnight.

Friday, January 2.

DEATH OF THE SPEAKER.

At four o'clock near two hundred Members being assembled, Mr. Hatfell, the Clerk, said, it was with much concern he had to inform the House of a melancholy event that had happened that morning, the Death of the Speaker.

The mace was immediately ordered in, and Mr. Colman, the Serjeant at Arms, having brought it in accordingly, and laid it under the table,

Mr. Rose. Mr. *Rose* said, the House being made acquainted with the unfortunate event which had happened, and for which he was confident every Member of that House felt the sincerest regret, he conceived it would be proper for them, in their present melancholy situation, to adjourn to Monday next. He moved accordingly, "That this House do adjourn to Monday."

Mr. Vyner. Mr. *Vyner* suggested a doubt of the power of the Clerk to adjourn the House further than from day to day; he wished if the Clerk had the power of adjourning for more than one day, that precedents might be read of having exercised such power.

Mr. Rose. Mr. *Rose* had no objection, if it was thought necessary, that precedents should be read, and said, that on Monday it would be necessary, in his opinion, to proceed to the election of a Speaker.

Mr. Hatfell, the Clerk, read the precedent of Monday the 17th of December, 1783, on which day Mr. Speaker sent for the Clerk, and by him excused himself from attending the House that day, on account of the death of a near relation, on which the Clerk adjourned the House to the Wednesday following.

Mr. Hatfell then put the Motion of adjournment, which was carried *nem. con.*

Monday, January 5.

CHOICE OF A SPEAKER.

About four o'clock Mr. Hatfell called for the Mace, which was brought in by the Serjeant, and placed under the table.

Lord

Lord *Euston* then rose, and after observing that the unfortunate Lord *Euston*. event of the death of their late worthy Speaker was too well known to require his dwelling upon the circumstance, reminded the House that the occasion called for an election of a fit and proper person to fill the vacant Chair.—The Hon. Gentleman, whom he should take the liberty of proposing, was a man, his Lordship said, of such splendid abilities, experienced assiduity, and perfect knowledge of parliamentary privilege, resulting from the closest attention to business ever since he had sat in that House, as pointed him out to be the proper successor of the late Speaker. Mr. Grenville was the Hon. Gentleman whom he meant to recommend, and when the House considered his excellent understanding and unremitting industry, he trusted their minds would go with his in thinking, that these qualifications rendered Mr. Grenville an object worthy of their choice. Much, he said, might be urged on the score of the Hon. Gentleman's private character; that stamp of merit, added to his parliamentary knowledge, and strength of mind and of constitution, rendered him in every point of view so unexceptionable, that it was unnecessary for him to take up more of the time of the House. He would therefore conclude with moving, "That the Hon. William Wyndham Grenville do take the Chair."

Mr. *Pulteney* rose to second the Motion. He said, the Right Mr. Pulteney, Hon. Gentleman's great attention, extreme accuracy, and clearness of reasoning, they had all seen, and witnessed with pleasure. The Right Hon. Gentleman had ever conducted himself with that moderation and candour that pointed him out as a fit successor to the late Speaker. Mr. Pulteney spoke of Mr. Grenville's having an hereditary claim to the favour of the House, as the guardian of its privileges, which he had fortified and established by his judicious alteration of his father's Bill, a Bill that, in his opinion, had gone further towards securing the first and the most invaluable privileges of that House, than any measure that had ever taken place in Parliament. He spoke of the customary usage of a previous application from the Crown, when the Chair became vacant, but, as under the melancholy circumstances of the times, no such form could take place, and as it was absolutely necessary that the Chair should be filled, in order to enable the House to proceed with the very delicate and peculiar business before them, which

demanding dispatch, the choice of a Speaker immediately was so indispensibly necessary, that he supposed no doubt could remain on that Question. Mr. Pulteney added some farther observations complimentary to Mr. Grenville, and concluded with seconding the Motion.

Mr. Well-
bore Ellis

Mr. *Wellbore Ellis* lamented the melancholy situation of affairs; the loss of a regular opening of the Session, and of the executive government, had, he said, been aggravated by the unfortunate loss of their Speaker. It was, he observed, a maxim laid down by some authors of eminence, “that any Government was better than no Government at all;” but though he had formerly favoured that opinion, he must now oppose it, for they seemed to be so fond of the maxim, that instead of taking the short and ready path of restoring the third Estate, and giving the Constitution its due energy and vigour, much time had been lost in mere Parliamentary fancy. It was true, that under the present circumstances, the usual forms of an election of a Speaker could not be observed, and therefore the House was justified in proceeding to an immediate choice; he was very ready to pay every tribute of applause to the Hon. Gentleman proposed by the noble Lord, and seconded by the Hon. Gentleman behind him: he was ready to say, that the Hon. Gentleman proposed was a fair object of their choice, were it not that he had intended to propose an Hon. Baronet near him, to whose abilities and eloquence the whole House could bear testimony. He meant no disrespect therefore to the Hon. Gentleman, who had been proposed by the noble Lord, when he presumed to mention Sir Gilbert Elliot as a fit person to fill the vacant Chair. He had, Mr. Ellis said, had the pleasure of a very early acquaintance with the Hon. Baronet, and knew him from his boyish days, and therefore his partiality and predilection were pardonable. But it rested not on his private opinion; they had all been witnesses of the Hon. Baronet’s zeal for the Constitution, they had all been witnesses of his powerful eloquence, and superior ability; as the Hon. Baronet, however, possessed the usual companion of great merit, great modesty, in compassion to his feelings he would forbear to say more, but would conclude with moving by way of Amendment, that Sir Gilbert Elliot’s name be inserted in the Question; a Motion, which he
again

again repeated, he made without intending the least disrespect to the Hon. Gentleman who had been proposed by the noble Lord.

Mr. *F. Montague* professed that he entertained every respect for ^{Mr. F. Montague} the Hon. Gentleman named on the other side of the House, in common with the noble Lord who had proposed him, and the Hon. Gentleman who had seconded him; but he must be allowed to second the Motion made by the Right Hon. Gentleman near him. Mr. Hatsell and he knew how necessary a knowledge of legal forms was, and they all must admit, that the Hon. Baronet just named possessed that thorough acquaintance with the laws of his country, that, had he continued in the Courts below, could not have failed to have rendered him one of the chief ornaments of his profession. Fortunately for that House, the Hon. Baronet had brought that acuteness of mind, that he so eminently possessed, among them, where it could not fail to be exercised to the advantage of the public, and to his own credit. Mr. Montague said, he could expatiate much more at large on the qualifications of the Honourable Baronet; but the last thing said by the Right Hon. Gentleman who spoke last checked him. The House undoubtedly would be extremely pleased, if he were to expatiate at length upon the subject; but when he considered, that what must contribute to their pleasure, must give pain to the Hon. Baronet, he would restrain his inclination, and only second the Motion.

Mr. *Grenville* rose to say a very few words. Whatever might be ^{Mr. Grenville.} the decision of the House that day, he declared he should ever consider it as an honour to have been thought fit to fill the Chair of that House by persons of such high character as the noble Lord and the Hon. Gentleman, who had named and seconded him. He felt the great importance of the situation to which he had been proposed, and was so conscious of the increase of that importance in consequence of the very delicate and momentous business in which the House was engaged in the present calamitous situation of affairs, that he trembled for himself, for his inexperience, and his inability to discharge the duties of the office; these considerations, he trusted, would induce the House to turn their eyes to the Hon. Baronet over the way, or to some Gentleman more worthy to fill the Chair than he was, and more capable of sustaining the

burthen of official duty, sincerely assuring them, that by so doing they would relieve his mind from great anxiety and embarrassment.

Sir Gilbert
Elliott.

Sir *Gilbert Elliott* said, he felt sincere respect and gratitude to the persons who had done him the honour to name him, and for whom he was proud to confess his veneration and regard, even if they had not shewn that fresh instance of their partiality and kindness. The Hon. Gentleman over the way could not feel more deeply than he did, the importance of the office to which his friends had nominated him. He well knew it was the duty of the person who should fill the Chair, not merely to preserve decency and decorum, not merely to look to the order of their proceedings in that House, but to assert the privileges of the House, both there and elsewhere; because those privileges were essential to the existence of Parliament, and were intimately connected with the liberties, and consequently with the happiness of those they represented. He felt his own inadequacy too sensibly, when he considered the high and important duties of the Office; when he considered the arduousness of those duties, also, as well as the importance of the trust reposed in the person who filled the Chair, it was enough to make him tremble, especially when he turned his eyes inward upon himself and saw the monstrous disproportion between his own abilities and the situation and its difficulties. Surrounded as he was by men of great legal knowledge and experience, he could not think of taking that Chair to which he so well knew his own inadequacy to do justice; if, therefore, none of those men to whom he had alluded were named, he could assure the Hon. Gentleman who had been proposed, that he should have his most sincere and hearty suffrage. Sir Gilbert Elliott paid a few more compliments to Mr. Grenville, in very neat and elegant language, expressing his own diffidence and distrust of his abilities.

The strangers were then desired to withdraw, and the House divided.

<i>Ayes</i>	—	—	215
<i>Noes</i>	—	—	144
			<hr/>
Majority	—	—	71

The *Chancellor of the Exchequer* gave notice, that he would the Mr. Pitt. next day open to the House the Restrictions which he should propose as necessary to be annexed to the Regency.

The consideration on the State of the Nation, was upon the question put, appointed for the next day.

A conference having been desired by the Lords and held, Mr. Pitt acquainted the House that the Managers for the Commons had met the Managers for the Lords, who acquainted them they had agreed to the Resolutions sent up by this House.

Tuesday, January 6.

The Restrictions and Limitations thought necessary to be annexed to the Regency, having been expected to be stated by the *Chancellor of the Exchequer* in the Committee of the whole House, on the state of the Nation, the House was prodigiously crowded with Members; above five hundred being present at one period of the day. The Chancellor of the Exchequer came in about four o'clock, and waited a short time for Mr. Fox, who came about half an hour afterwards, when the Order of the day was moved, and,

Mr. *Loveden* immediately rose, and requested the attention of the House for a few minutes.—

The SPEAKER begged first to state the Question that had been moved, which he accordingly did.

Mr. *Loveden* then rose again, and began with asserting his own Mr. Love- independency as a Member of that House; he said, he had ever den. declared his sentiments, such as they were, with truth and sincerity, without a wish to court the countenance of party or to solicit the favour of power; that what he said in that House, he would abide by, considering himself as a free Agent, and determined to continue so, his maxim being *nullius addictus jurare in verba magistri*—he was neither biased by affection for one set of men, nor misled by prejudices against another, but acting upon what he considered to be a better principle, and a more becoming motive than either self-interest or ambition, an honest zeal for the good of his country,

country, and the promotion of the public welfare. Before the House proceeded to settle the terms and considerations of the Regency, he conceived they ought to know exactly where they were, and what the exigency of the case really was, the providing for which was to be the object of their deliberations. No Limitations of any kind could be suitably adapted, without having reference to the cause that created the necessity for any ; and, therefore, before they went a step further, in his humble judgment, they ought to know precisely what was the present state of his Majesty's health, what the degree of alteration that it had undergone, since his Majesty's Physicians were last examined, and whether the probability of his recovery was encreased, or less than it had been, in the opinion of his Majesty's Physicians at that time. Reports had gone abroad of a very contradictory kind, and the authority of the different Physicians who attended his Majesty, had been made use of to give sanction to those reports. He had that day seen a letter from one of the Physicians in question, in which the writer fully contradicted the report, in the circulation of which his name had been made use of. Reports had also gone forth, that the opinions of his Majesty's Physicians were not faithfully communicated to the public ; now although that House could not act upon rumour, he thought it highly necessary, that the foundation of the reports respecting his Majesty's indisposition should be ascertained, and that the House, who were entitled to know the truth, should have the whole truth complete before them. With that view it was that he had risen, and although he did not wish to press any unnecessary motion on the House, yet as the Limitations would necessarily be governed by the proportion of the probability of his Majesty's speedy recovery, that important fact ought to be ascertained, because if his Majesty's present incapacity was but a mere temporary suspension of the exercise of the Royal Authority, Limitations to a particular extent only, might be proper ; but it would have a very different effect on men's minds if the suspension was to last for any considerable length of time. Mr. Loveden concluded with reading a Motion, the purport of which was to state, that various reports having been circulated and different opinions entertained of the State of his Majesty's Health, it was necessary that his Majesty's Physicians should again undergo

undergo an examination touching the same, for the information and satisfaction of that House.

There being a general cry on the Opposition side of "*Move! Move!*"

Mr. *Loveden* was about to hand his Motion to the Chair, when

The SPEAKER informed him, that there was a Question already before the House, viz. the Question, "that the Order of the Day be read," which must be disposed of before any other question could be entertained by the House.

Mr. *Hussey* called upon the Speaker from the side gallery to know, who had moved the question of the Order of the Day?

The SPEAKER said it was moved by a Right Hon. Gentleman on the bench to the right of the Chair.

The *Chancellor of the Exchequer* (who had moved it) rose, Mr. Pitt. not he said merely to ascertain who had moved the Order of the Day, because it was perfectly immaterial who it was that had moved that question, since that it had been regularly put from the Chair, was what no man could deny, and therefore the proper way of making room for the Motion of the Right Hon. Gentleman on the other side the House, would be to *negative* the Motion then before them. The substantial question for them to decide was, whether now they were assembled, agreeable to full notice, for the purpose of going into a Committee, in order to hear the Limitations and Restrictions which he should have the honour to submit to the impartial decision of the House, or whether they ought to interpose this additional delay, in order to stop short in their proceedings and wait for further information. As much as he should lament every delay that prevented them from putting Government into a situation in which it could act with *energy* and *effect*, [a cry of *hear! hear!*] He said, he wished Gentlemen to hear, and therefore he repeated, that anxious as he was to have the Government put into such a situation as should enable it to act with energy and effect, he should nevertheless think it better to proceed prudently and properly, though a little more time were lost, than rashly and upon insufficient grounds to risque an error in a matter of so much magnitude and importance.

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Before the House, however, consented to interpose any farther delay, it was worth while to consider what information they had to proceed on already, and whether any farther information were necessary or not. The first leading fact contained in the Report of his Majesty's Physicians was what that House had already resolved, viz. that his Majesty was incapable of meeting his Parliament and attending to public business. The second Question was, that his Majesty was likely to recover. Was there any thing to make the prospect of his Majesty's recovery less probable, or was there any reason to enable Gentlemen to state any given period within which it was likely not to take place? Could any Gentleman suggest, that there were grounds for either of these two different opinions, because if neither of these points could be stated, he must for one think that the House had already before them sufficient information to enable them to proceed, and that they ought to proceed without further delay. All his Majesty's Physicians agreed in the first important fact which the House had voted, viz. That his Majesty was incapable of attending to public business; and they all said that there was a probability of his recovery, though they could not fix any period of its taking place. But the House knew, that there were those among the Physicians, who were most conversant with the disorder with which his Majesty was afflicted, and who had stated what was the longest time at which persons afflicted with the disorder in question had been cured; and also, as far as any thing like an average could be drawn in such cases, what was the average length of time before a cure could be effected, and thence had suggested, that, in their opinion, his Majesty's recovery was, most probably, not at any very distant period; therefore he conceived the House had sufficient ground to go upon without further delay, and personally feeling extremely desirous that Government should as soon as possible be restored to its necessary energy and effect, on account of the situation in which he had the misfortune to be placed, but feeling it still more on account of the public, he owned he was anxious to interpose no farther delay, but immediately to go into the Committee agreeable to the Order of the Day, that he might state what he had to submit to the impartial decision of the House. If, therefore, no Gentleman could suggest that any new grounds

had

arisen since the last examination of his Majesty's Physicians to induce the House to change their opinion on the two important facts resulting from that examination, he should think it is duty to oppose the Motion of the Hon. Gentleman, and contend for the Order of the Day's being then read.

Mr. Fox said, though he did not mean to oppose the Question Mr. Fox. for reading the Order of the Day, he was exceedingly glad that the Hon. Gentleman behind him had made the motion that he had stated, because he thought the discussion it had occasioned, was extremely proper, and because it was undoubtedly necessary that they should have some precise knowledge of the state of his Majesty's health, previous to their deliberations as to what might, or might not be fit restrictions to impose on the Regent. The Right Hon. Gentleman over the way, seemed to go upon the Report of the Physicians, when they were examined by a Committee of that House, and had said, that they all agreed that there was a probability of his Majesty's recovery, and that at no very distant period. It was not necessary to enter into any argument as to the precision of what the Right Hon. Gentleman had stated, but certainly he had not precisely stated the facts as resulting from the Report of the Examination of his Majesty's Physicians. That they generally agreed that it was probable his Majesty might recover, was undoubtedly true, but they did not agree as to the period when that recovery might be expected. Dr. Warren, in his mind, not only declared no such thing, but declared a perfect ignorance about it, and had expressly said, that he could not give any satisfaction on that head whatever. If, therefore, they were to go upon the Order of the Day, they were bound to shut their ears to all the reports out of doors, and as the Right Hon. Gentleman had desired them to confine themselves to the facts resulting from the Report on the Table, they ought to do so strictly, only keeping on their minds what of course would not fail to have its due impression on every Gentleman, viz. that the information they were desired to proceed on, was information communicated four weeks ago, and that, therefore, they were to consider that four weeks had elapsed without any alteration whatever in his Majesty's health. Mr. Fox said, that as so many contrary reports in favour of his Majesty's recovery were in circulation,

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he thought the matter proper to be laid before the House ; not that he was much in the habit of paying attention to common reports, in general no man treated them with more contempt ; but he had heard that, in another place, a person of no inconsiderable authority, his Majesty's first Minister, first in rank, and by no means last in consequence (he said he meant the Lord Chancellor) had declared that he had grounds to hope soon to hear of his Majesty's recovery. This declaration he could not but consider as highly improper to be made, because, as on the one hand, if any man should unfortunately have reason to entertain the melancholy opinion, that there was no probability of his Majesty's recovery at all, he should deem it highly improper for such a one to declare his sentiments ; so on the other hand, if any man thought he had good reason to entertain an opinion that his Majesty's recovery was near, it appeared to him equally improper for him to declare it, because no man ought to declare his sentiments either on one side of the question or the other, unless the grounds upon which those sentiments rested, could be made the objects of examination and enquiry, and the facts substantiated by evidence. Mr. Fox enforced this doctrine by much argument, and talked of the possible case of certain persons spreading rumours and reports, merely with a view to delude the people by false hopes, and induce Gentlemen to vote under an ill-founded presumption of his Majesty's recovery, of which there might not in truth exist the smallest probability. Perhaps it would be wise, therefore, to shut their ears against all rumours and reports whatever, and to act merely from the Report of their Committee. In that Report they would see, that his Majesty's Physicians had all of them been asked, whether signs of convalescence appeared, which was beyond all question a material part of the examination. If no signs of convalescence had since appeared, and none, the physicians had all agreed, had then appeared, a new enquiry certainly was not necessary. If signs of convalescence had since appeared in his Majesty, as it had been industriously rumoured they had, an enquiry was necessary ; first, with respect to the fact of those signs ; and secondly, with respect to the opinions formed of those signs by his Majesty's Physicians. If, on the contrary, the House agreed with the Right Hon. Gentleman they were to abide by

by the Report of their Committee, and to wave farther enquiry, they would, he trusted, shut their ears to every idle report that was abroad, and go only by the papers on the Table.

Mr. *Edwards* rose to speak of the situation of his Majesty, as described in the Report of the Committee. He said, that the Physicians had not desired to be understood that his Majesty had afforded symptoms of a recovery having began to take place, but that there were previous signs of a recovery being likely to take place. This information was given the House four weeks ago, and therefore he was of opinion that a fresh examination should be had, because if four weeks since, though there was no symptom of an actual recovery, but rather the semblance of a symptom, it ought to be ascertained to the House whether the probability of his Majesty's recovery, had encreased or diminished. Some Gentlemen on the other side, having laughed when Mr. Edwards used the expression, a *semblance of a symptom*, he declared he had no doubt but those Gentlemen wished by their insults, to induce him to suppress his sentiments, but as he neither courted their favours, nor dreaded their frowns, he would continue to do his duty, and though he should sit down then, he did so merely because he did not wish to take up more of the time of the House, but when the great Question of Limitation came, he would very fully speak his sentiments upon it.

Mr. *Burke* began by taking notice of the Chancellor of the Exchequer's declaration, that he was anxious that the Government should be put in a situation to act with energy and effect. He gave the House joy of that declaration, it was the first time they had heard of it, and it was well worth their notice. The House would recollect, that when the Report of their Committee was laid upon the table, they were given to understand, that the King's illness was likely to last but a short time, and then, a full month afterwards, they heard that they were exactly in the same state of expectation that they had been in when their Report was made. The Right Hon. Gentleman had declared, that they were to go upon that Report as the ground of their proceedings, having no more recent information to go upon. The Right Hon. Gentleman would not say the Report of the House of Lords had not been made since the Report of that House; the examination before the House

House of Lords was taken since, and taken on oath, which it must be allowed gave the Report of the House of Lords more authority, than the Report upon their table could possess. That Report the Lords had published for their information, and for the information of the world in general. That Report he held in his hand, and that Report said, that the probability of his Majesty's recovery was more doubtful than their Report stated it to be. Nobody, the Right Hon. Gentleman had said, ought to state facts without substantiating them, and going into an enquiry. He had taken pains to ascertain facts, and he was ready, at a proper time, to prove them to the conviction of the Right Hon. Gentleman and of that House. Because he had not been of the Committee he had but little authority, and having but little authority, he had endeavoured to make up for it by information, and therefore he had resorted to the Report of the House of Lords. In consequence of his Majesty's unfortunate illness, what infinite calamities had happened to the country, calamities that might be followed by others, unless speedily prevented, which he dreaded to think of; the sooner, therefore, the Government was restored to its energy and effect, the better undoubtedly; but then it ought to be really a Government of energy and effect, and not a maimed, crippled, and impotent mockery of Government. In order to ascertain the fact, however, that his Majesty's illness was not likely to be of short duration, let them turn to the Report printed by the House of Lords. Mr. Burke here read several questions and answers from the examination of one of his Majesty's Physicians before the Committee of the House of Lords, the substance of which questions and answers was as follow :

“ Are there any signs of convalescence?—None. Since you
 “ was called in to his Majesty, were there any signs?—There
 “ were none. Is there any probability of cure?—It diminishes
 “ in proportion as the time of the disorder's continuance
 “ lengthens.”

Here, Mr. Burke said, was a regular ratio to guide the House in forming their judgment; here were strong grounds to govern their opinions by, and if the argument was a true one, there was no fit ground to examine the Physicians again. If the last answer he had read, was to be depended on, and let the House re-

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member it was an answer delivered by a grave and learned Physician on oath, it bound their Speaker, it bound him [Mr. Burke] and it bound every one of them. It was their duty to pay it due attention before they cut and carved the Government, as they would cut out morsels for hounds, rather than imolate it as a sacrifice to the gods. [Here being a cry of *Hear! Hear!*] Mr. Burke repeated his expression, and said, with the Poet, "It ought to be considered as a sacrifice fit for gods, and not as—a carrion carcase, cut for hounds." The Report in his hand expressly said, his Majesty's Recovery was less probable, because his illness had continued longer. They all knew his Majesty's illness had now continued a full month longer, than when his Majesty's Physicians were examined before a Committee of that House. [The other side of the House expressing some disgust at Mr. Burke's mode of reasoning.] Mr. Burke said, he perceived it was the wish of some Gentlemen to disturb him, and prevent his delivering his sentiments, they had often done so with too much success before, but he was determined they never should gain their ends again.

Mr. *Bastard* declared, he thought it immaterial to the purpose, Mr. *Bastard* which they had all professed to have at heart, to have a further examination of his Majesty's Physicians, before they proceeded to restore the Government to its due tone. All he wished was, that proper steps might be taken for that purpose, without any further delay; nor could he conceive, that it was necessary at that moment to institute another enquiry, as to the present state of his Majesty's health. They had already resolved, his Majesty was incapable of any public business, and having done so, it was their duty to lose no time in providing for the exercise of the Sovereign Authority thereby interrupted. With that view he had already voted for one of the Resolutions proposed by the Right Hon. Gentleman. With regard to the Regency and the conditions, he had made up his mind upon that subject, and was ready to state his opinion whenever it should be properly under their consideration. He would only say, that when a Bill, which he conceived it would be necessary to pass on the occasion, should be introduced, he trusted proper care would be taken, to provide that the House might receive constant information of the state of his Majesty's health, and from time to time know of his situation. There might,

Mr. Baſtard ſaid, he different degrees of illneſs with which it had pleaſed Providence to afflict his Maſteſty, but it was no conſequence to him what the degree of his Maſteſty's illneſs was, unleſs it could be ſtated that he was capable of attending to buſineſs. He declared, he entertained a very high reſpect for his Hon. Friend who had began the debate, and having no doubt of the purity of his motive in coming forward with the Motion, wiſhed he could have concurred with him in opinion; but as he really thought it would rather tend to create unneceſſary delay, he wiſhed him to withdraw it.

Mr. Vanſittart.

Mr. *Vanſittart* begged to know of the Right Hon. Gentleman what was the name of the Phyſician whoſe answers he had read from the Report of the Houſe of Lords, and whether the other Phyſicians agreed with him in the opinion that he had ſtated.

Mr. Burke.

Mr. *Burke* ſaid, it was the examination of Dr. Warren. [A general cry of *Hear!* from the other ſide of the Houſe.] Mr. Burke immediately took fire, and with great warmth and vehemence ſaid, were their ſchemes ripe, that they ventured thus early to betray their ſentiments? Were they going to build a weak and miſerable machine of Government on that foundation of fraud and falſehood, and calumny? Were they going to rob the firſt Phyſician in this country of his character? He called upon them to ſhew how Dr. Warren was likely to have given a falſe, precipitate, and ill-grounded account of his Maſteſty on oath? By their clamour they had furniſhed an unanswerable argument for freſh enquiry. He knew Dr. Warren, he belonged to a ſociety where the Doctor frequently came, and always found him an inſtructive companion, and had ever heard him conſidered as a man of learning, integrity, and honour, but if he ſhould now find him a deſperate Quack, unſkilled in his profeſſion, and daring enough to deceive the Houſe of Lords, and to deliver an ignorant and unfounded opinion of the ſituation of his Maſteſty on oath, he ought to be enabled to aſcertain the fact, and it could be aſcertained by another enquiry, where Dr. Warren might be uncaſed to the eyes of mankind, and expoſed to the contempt and ignominy he deſerved, if the imputation were true. Mr. Burke contended, that a ſudden cry was more eloquent than any compoſition of words, becauſe the genuine ſentiment of the ſoul, betrayed itſelf in an involuntary exclamati-

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tion, while words were frequently used for the purpose of concealing mens feelings, and exhibiting a false colour for their conduct to the eyes of mankind.

Mr. *Vanfittart* said, the Right Hon. Gentleman had certainly answered one part of his requisition, but he had taken no notice of the other, which was a desire to know whether the rest of his Majesty's Physicians concurred in the opinion of Dr. Warren, which the Right Hon. Gentleman had read to the House from the printed Report. Mr. Vanfittart.

Sir *James Johnstone* declared, he was sorry that the Right Hon. Gentleman should prevent them from going upon the most glorious act that the subjects of a free country could perform, namely, the exercise of their undoubted right to provide a Government for themselves, when the natural Government was, through accident, or the unfortunate incapacity of his Majesty, no longer able to act. Sir James protested that he spoke his genuine sentiments, independent of favour, or any motive whatever, but a sense of his duty. He had never been at St. James's since the year 1761, nor at Carleton House in his life; but he thought that a man might be a good Member of Parliament, and do his duty in that House, without either cringing at Court, or sacrificing to the rising Sun. Besides, how absurd was the expectation of those who wished for a further enquiry. Was it ever known that two Physicians agreed in opinion in the world! It was impossible to make them agree upon any case, and therefore it was idle to expect it, for which reason he advised the House, who were the true Physicians of the State, to prescribe for it without farther delay. Sir James Johnstone.

Mr. *Loveden* confessed, that he had received some information from the discussion, but his mind was not satisfied; he was, he said, always happy when he could coincide in opinion with his Hon. Friend [Mr. Bastard;] but, on this occasion, his Hon. Friend had declared that his mind was *made up* upon the subject, and therefore he wished for no farther enquiry. Upon a similar principle, viz. because his mind not *not* made up upon the subject, he wished for farther information to enable him to decide as an honest man ought. A variety of contradictory reports were in circulation respecting the state of his Majesty's health, and he could only speak from rumour. In the House of Lords he had heard it de-

clared, that his Majesty was so much better, that there were good grounds to hope for his speedy recovery, He had elsewhere heard directly the contrary ; his only wish was to come at the truth, and that the House should have the whole truth before them.

Ld. North. Lord *North* said, he rose to take up but little of their time, but as a sudden cry had burst forth, when the name of a Physician had been mentioned, to whom he confessed himself greatly indebted, and as that cry might be differently interpreted by those without doors from its real meaning, he could not avoid rising to do justice to a character, that might be very materially and very seriously affected, unless some explanation were given, to prevent a false and injurious impression obtaining. The cry to which he alluded, might, like other exclamations of a similar nature, have proceeded merely from the warmth and ardour of Debate ; but as it could not be recalled, it might be understood, as if the other side of the House had reason to doubt the skill and integrity of Dr. Warren. Now, as he well knew, that Dr. Warren was a Physician of great learning, great ability, great honour, and great integrity, for the sake of Dr. Warren's character, which could not but be materially hurt, if an idea should prevail, that any part of that House thought him capable of giving false evidence, or disguising the truth when under an examination on oath, he called upon any one who had the smallest doubt of Dr. Warren's skill and integrity, to state what the grounds were, on which he entertained that doubt. It was fair and candid for those who joined in the cry to rise and justify it. If no one should rise, when thus called upon, he should take the cry to have been nothing more than a sudden burst of zeal for his Majesty's recovery, and that Dr. Warren's skill was acknowledged to be as undoubted, and his integrity as unimpeached, as if no such cry had been made. His Lordship repeated, that he knew Dr. Warren to be an able, a learned, and an honest man, and that every thing was due to evidence given by such authority.

Mr. Pitt. The *Chancellor of the Exchequer* rose immediately, and there being some objection made by the Opposition side of the House, he said, that having before explained on what grounds it was that he objected to the Motion, and as the greatest part of the Debate that ensued, had consisted either of comments on what fallen from him,

or of matter directed personally to him, it would not, he conceived, be considered as any violent infringement of the Orders of the House, if he wished to speak a second time. He did not rise, he said, to speak of the character or skill of Dr. Warren, his general skill as a Physician was generally known and acknowledged; but with respect to the particular disorder with which his Majesty was afflicted, his skill was comparatively little, considered or compared to that of those physicians who had made that disorder their peculiar object of attention; and in saying this, he begged the House to know that he spoke from undoubted authority, the authority of Dr. Warren himself, who in his examination told them, that he always thought it necessary to call in and consult others more experienced in that species of practice than himself. He repeated, therefore, his objection to any unnecessary delay, but after the very extraordinary footing upon which what he had before said had been placed, it became, in his mind, unavoidable that some farther enquiry should be gone into. He had said, that the Report gave them ample grounds for proceeding, and then a Right Hon. Gentleman had got up, and told the House they were to consider the probability of his Majesty's recovery to stand exactly as it did four weeks ago, with this difference, that the probability of his Majesty's recovery was the more distant because a month had elapsed since it had been declared; to that opinion he could not accede; but if the Right Hon. Gentleman thought it a concession, because he did not wish for any farther examination, he was welcome so to consider it. To the best of his belief, the very reverse of the Hon. Gentleman's inference was the fact; and when he made such a declaration, from the situation in which he stood, he could not be supposed to speak wholly without information, when he declared, what he knew induced him to make this suggestion to the House. With regard to their future proceeding, he thought the grounds afforded by the Report of the Examination of Majesty's Physicians ample; and that the two facts to which he had before alluded, were sufficient to justify all that he had to propose to the Committee; but when he found, under the pretence of supposing that no alteration had taken place in his Majesty's health in the course of the past month, stated in such a way as to extort from him, what he had just said, and which he had cautiously avoided

in his former speech, from a conviction that the House could not proceed upon private opinions delivered, or encomiums passed by others on particular characters, but must have the grounds of those opinions, and the truth of those encomiums substantiated by an enquiry, he was of necessity compelled to agree to that enquiry. He begged to be allowed to remark a little on the situation in which they were discussing the subject. The noble Lord over the way had talked of the ardour and warmth common to debate ; he was ready to admit, that to debates on political questions, where men were governed by their partiality (and he meant a laudable partiality to one set of men over another) from persuasion that their political system was wiser, they might shew a degree of ardour, and occasionally betray warmth, but in the present discussion there could be no difference of opinion, because there could be but one wish ; he could not, therefore, but most seriously lament the degree of warmth that had been used where nothing like violence ought to have characterized their discussion. He could not but lament in particular, that the Right Hon. Gentleman over against him had done himself so much injury as to have betrayed a degree of warmth that seemed to have arisen from his entertaining wishes different from those of the rest of the House. If the Right Hon. Gentleman had discovered, that the evidence of the House of Commons was not enough to proceed on, and that the Report of the Lords was necessary to be recurred to, and if the Right Hon. Gentleman felt the impropriety of delay, was it fair, was it candid, that an argument should be stated on those grounds for further enquiry, and the Report of the House of Lords should be quoted, without once stating to the House, that the Report was a Report delivered and printed by the House of Lords nearly a month ago ? Having ironically remarked on the great emphasis which Mr. Burke had laid on this circumstance, he said, contrary to his own opinion as to the necessity, and merely to prevent the House from doing what he considered as totally irregular and improper, namely, the proceeding to act upon the private opinions of any man, when the grounds of those opinions could be substantiated ; he felt himself reduced to the necessity of agreeing to a further enquiry ; but the House, he conceived, would institute the enquiry by a Motion more generally expressed than that of the Right Hon. Gentleman,

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and that they would, from motives of delicacy, proceed as before by a Select Committee, who might, he hoped, finish their examination in half a day, or little more; and, as the House might content themselves with having the Report (which would, he supposed, be a short one) read without waiting for its being printed, he hoped they would not lose more than a day or two at farthest. Upon these grounds, he should be happy to withdraw the Question of the Order of the Day, wishing, however, that they might not mistake the principles on which it was that he did so.

Mr. *Burke* in reply said, he always thought it necessary to stand Mr. *Burke*. upon his guard when that Right Hon. Gentleman undertook his defence. The Right Hon. Gentleman not being able to do any thing by reasoning, had fallen upon his motives instead of his arguments, well knowing that it was a safer mode of attack, because every man could judge of the justice of the one, though no one could possibly guess at the truth of the other, and therefore the Right Hon. Gentleman had judged him from the motives within his own breast. There was, however, so much of malice in the Right Hon. Gentleman's compassion, and so much of censure in his lamentations, that he hoped the Right Hon. Gentleman would be so good as to spare his pity, and leave him out of his lamentations for the future. After a preface to this effect, Mr. *Burke*, in answer to Mr. *Vanfittart's* question, whether the other Physicians concurred in opinion with Dr. *Warren*, read some extracts from Sir *George Baker's* examination. He then took notice of Mr. *Pitt's* sarcasm about the tone and emphasis with which he had mentioned the circumstance of the Lords Report being a month old, and contended, that if the Right Hon. Gentleman prescribed the mode of examination of the Physicians, the House never would come at the truth, because if learned men were to be examined by ignorant men, the ignorance of the latter rendered the learning of the former of no avail, it being impossible for those who were most knowing in a difficult profession, to put such questions to knowing men, as should extract the necessary information, which could only be got at, by suffering the learned to discourse at large, and as they thought proper of themselves, and then to extract and collect from the whole of their discourse what was matter of necessary information. If there was a difference of opinion among

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his Majesty's Physicians, why was not Dr. Monroe called in? The keeper of one mad-house ought to be set against the keeper of another, and by the opposition they would come at the truth. He knew that Dr. Monroe was to that day consulted by the first Physicians in existence. The Right Hon. Gentleman had called for good grounds to be shewn, why opinions were entertained that his Majesty's recovery was more improbable than it had been four weeks since; he in like manner called upon the Right Hon. Gentleman to shew what grounds there were for the opinion he entertained of there existing a greater probability of his Majesty's recovery now than there existed then. The Right Hon. Gentleman had forced him to say something from his having thrown out a most malignant and unmerited imputation. To charge him with not wishing his Majesty to recover, was as foul an aspersion as could have come from the lowest man in that House; and he, Mr. Burke said, should be the last free-man in it, if he suffered himself, at any time, to be *brow beaten* by that Right Hon. Gentleman. The Right Hon. Gentleman was fond of throwing about his treasons and his ill-wishes, he never would tamely submit to either. With regard to any warmth that he had betrayed, he had not let a word escape him that he should be ashamed to have recorded. His voice was weak, and therefore he was forced to raise and exert it, but it did not follow that he was in a passion; he might say, with one of the Ancients, who had been charged with being in a passion, "let my pulse be felt, and see if it does not beat temperately?" When he spoke of a fact without being ready to adduce any authority for it; then let him be arraigned by the Right Hon. Gentleman, and bad motives be ascribed to him. He hoped to meet with judges more favourable than to judge him from imputed wishes, when he had argued from authentic information. When he fled from inquiry, then let the Hon. Gentleman aim his envenomed shafts at him. He was ready to go into a full and free enquiry at the bar, there he could do justice to himself, but not in a Committee. Let Dr. Warren be placed against another eminent Physician, and a keeper of a mad-house, with thirty patients, against the keeper of a mad-house with three hundred, and by that means the House would obtain real information.

Mr.

Mr. *Rolle* rose to observe, that all the blame imputable to the introduction of the name of one of his Majesty's Physicians that day, was imputable to the other side of the House, and not to those on the side on which he was, for that Dr. Warren's name had been first mentioned by the Right Hon. Gentleman himself. Mr. Rolle.

Mr. *Pulteney* declared himself sorry, that so much warmth had been shewn in the Debate; he owned he was desirous of calling^{ney.} back the House to a proper degree of temper, and was against withdrawing the Question for the Order of the Day. He considered both sides of the House had been drawn from their object merely by warmth, and that they had thence forgot how much the country had already suffered, and was daily suffering by delay. If any man were to say that it was impossible for his Majesty to recover, that would be a ground for farther enquiry; or if any man were to say that his Majesty was capable of doing public business, that also would be a ground for enquiry, but neither of those things were said. Between the two there might be many shades of difference, but the House had no occasion to meddle with any one of them, and therefore he was against the suffering the Motion to be withdrawn. Mr. Pulteney.

Mr. *Fox* said, he did not wonder that the Hon. Gentleman who spoke last should have objected against withdrawing the Question of the Order of the Day. That Hon. Gentleman had, he believed, not been a considerable time in this country, and therefore he must be a stranger to the various rumours and reports that had been circulated. Had he known as much of those reports as he did, the Hon. Gentleman would, he had no doubt, have thought the proposed enquiry absolutely necessary. With regard to the two propositions that the Hon. Gentleman referred to, they were pretty nearly the words he had himself used on the first day that the subject had been mentioned in that House. He had then said, that all his Majesty's Physicians had declared themselves clearly and decisively of opinion, that his Majesty was incapable of meeting his Parliament, and of doing public business; but that his recovery was probable, though no one of them could say, when his recovery was likely to take place. Agreeing, therefore, that his Majesty might recover, and if the probability be that he would recover soon, that they must submit for a short time to a weak Govern- Mr. Fox.

Government, or else do an injury to his Majesty when the time should arrive for him to resume his Prerogatives. If that be the argument, still he should contend that it was necessary for them to proceed to learn when his Majesty's recovery was likely to take place; for his part, he had not the least doubt of the hopelessness of the case. Before he sat down, Mr. Fox said, he should take notice of what had fallen from the Right Hon. Gentleman over the way, and enter his protest against what must, if continued, inevitably end in putting a stop to all freedom of Debate in that House. The Right Hon. Gentleman had talked of warmth and said, it was allowable, when the political interests of parties were at stake, but not then; that therefore his Hon. Friend had spoke from his wishes. If such attempts to impute unbecoming motives to Members for their arguments were made, unaccompanied with any one reason in answer to those arguments, it was enough to fire any man with indignation; he made no scruple to confess that he felt equal warmth with his Right Hon. Friend, as much warmth as he had ever felt on any political question—not from a wish that his Majesty might not recover, he sincerely wished that he might; but from what was more strong in his mind even than the satisfaction that must result from his knowing that his Majesty was restored to his health, from his desire that the people should be acquainted with the truth.—In such a cause he was not ashamed to confess himself warm, and to avow his desire and his determination to resist an attempt to deceive an affectionate people, and to prevent that House from being deluded, under false pretences, into a mode of Government that would sacrifice the Constitution. In such a cause he felt a warmth superior even to his attachment to Majesty, superior to the love and loyalty a subject owed his Sovereign, an attachment founded in the love of a man of honour to truth, and in his detestation of falsehood. With regard to the manner in which the cry had been given from the other side, when Dr. Warren's name had been mentioned, it was impossible for the friends of that Gentleman, and for every man feeling like a Gentleman, not to feel contempt. A Physician's eminence, above all other professions whatever, stood upon the most secure and certain footing; no man employed a Physician from favour; no man employed a Physician, because he was of his party, nor be-
cause

cause he had given him his interest at an election : but they trusted their health in his hands, because he was known to possess superior skill, and on that account alone. He would believe that the great personage before alluded to by him, the Lord Chancellor, had an ill opinion of Dr. Warren, when he should hear that the learned Lord trusted his health, when he should next have the misfortune to be ill, in any other hands. These were not encomiums, but facts. It was the confidence with which people of the most exalted ranks trusted their health in Dr. Warren's hands, that made him so unusually eminent as a Physician. The cry, therefore, if it meant any thing, must have been meant to convey an insinuation against Dr. Warren's integrity ; but as the opinion of Dr. Warren's skill never could rise, so no more could the opinion of his integrity rise, though his integrity undoubtedly equalled his skill. The Right Hon. Gentleman had been pleased to say, that he thought that the probability of his Majesty's recovery was greater than before, and he had said, that he had been provoked to declare that to be his private opinion. I will not be provoked, said Mr. Fox, to declare any private opinion of mine to the contrary, nor will I assent to that of the Right Hon. Gentleman ; but if the House were to proceed on shades of difference of opinion, as to the probability of his Majesty's recovery, which he thought extremely absurd, he should still contend, that the enquiry should be as free and open as possible. Mr. Fox concluded with calling on Mr. Pulteney to withdraw his motion.

Mr. *Pulteney* said he meant to divide the House, declaring that ^{Mr. Pulteney.} it was not likely that all his Majesty's Physicians should decide alike, and therefore, as he considered the proposed Enquiry to be nothing more than a design to delay, he would take the sense of the House on the Question of the Order of the Day.

Mr. *Sheridan* rose to remind the Right Hon. Gentleman, that ^{Mr. Sheridan.} he was bound by his own words to submit to the proposed Enquiry, since he had declared, that if any Member asserted, that there was a greater probability of the recovery of his Majesty sooner than there had been when the Physicians were last examined, the House ought to proceed to another examination ; now the Right Hon. Gentleman stood exactly in that situation himself, having declared, that he had, from what he knew, reason to believe that his Majesty's

jeſty's ſpeedy recovery was more probable than it had been, and he had alſo declared that his opinion had been extorted from him. Mr. Sheridan added a few words to prove how material it was that the Phyſicians characters ſhould be ſacred; employed as they were about his Majeſty, and not in any ordinary caſe, the public had an intereſt in their characters, and on that depended all the proceedings that they were about to deliberate upon in that Houſe.

Mr. Pitt.

The *Chancellor of the Exchequer* obſerved, that after what had paſſed, he ſhould be in the ſingular predicament of feeling himſelf obliged to vote againſt his own Motion, and he owned he ſhould do it with the greater reluctance, as he ſhould have the miſfortune to differ from the Hon. Gentleman under the gallery, who he had hoped would have waved his objection to the withdrawing of the Queſtion of the Order of the Day. He objected to Mr. Sheridan's representation of what he had ſaid as being quite correct; he had not in his former argument declared, that if any Member could aſſert that he had reaſon to believe his Majeſty's ſpeedy recovery more probable than it was, that the Houſe ought to proceed to another enquiry; but he believed he had ſaid, that if any Member could aſſert or ſuggeſt, that he had good reaſon to think that his Majeſty would not recover, or that he would recover in any given time, in either caſe he ſhould think a new enquiry neceſſary. The Chancellor of the Exchequer ſaid, he could not help remarking the extraordinary way in which the Right Hon. Gentleman had choſen to ſay *nothing* as to his private opinion of the probability of his Majeſty's ſpeedy recovery, or otherwiſe, when at the ſame time he had argued, that they were to conſider the probability of his Majeſty's recovery, juſt exactly as it ſtood when the Report had been made four weeks ago, adding to it the recollection, that it was now four weeks ſince the Report was made. This was the neweſt way of ſaying *nothing* that he had ever experienced. He declared he would not retract any thing he had ever ſaid in that Houſe, but if the Examination were ordered, he conceived it muſt not be at the Bar, but by a Select Committee, on account of delicacy, and every other conſideration. He added, that he was in hopes the Committee, before they left the Houſe that evening, would be able to iſſue their ſummonſes, and proceed to the Examination

mination the next day, so that as little time as possible might be lost.

Mr. *Fox* said, the Right Hon. Gentleman seemed to accuse him Mr. Fox. of dissimulation. He had said nothing but that the ground of the probability of his Majesty's recovery must be drawn from the papers before the House, unless a new enquiry was gone into. He had given no opinion of his own as to the present state of his Majesty's health, nor should the Right Hon. Gent'eman extort one from him.

Sir *Peter Burrell* said, he spoke but seldom in that House, but Sir Peter Burrell. that he always delivered his genuine sentiments. His opinion was, that an Examination of the Physicians again was absolutely necessary; but that it ought to be an Examination at the Bar of that House, and not before a Select Committee. By that means the Reports that were abroad would be effectually and entirely done away; which would not be the case with an examination in a corner, with which he was persuaded the public would not be satisfied. Sir Peter was of opinion, that no Member of that House would put an indecent or an indelicate question to the Physicians; and, if it was by accident proposed, the House could easily guard against and prevent it.

Mr. *Pulteney* said, if the Examination of the Physicians were to Mr. Pulteney. take but a single day or two, he might not, possibly, continue his objection to withdrawing the Question of the Order of the Day; but if it were to be an Examination at the Bar of the House, the Examination would not be gone through in a week, and then the delay would be serious indeed.

Mr. *Sumner* thought terming an Examination before a Select Mr. Sumner Committee appointed by that House *doing business in a corner*, was a reflection on the Gentlemen who had served on the last Committee; and that an Examination at the Bar of the House would, in his mind, lead to endless debate and delay.

Mr. *Vyner* said, he had the honour to be on the last Committee, Mr. Vyner. and he considered what had been said as no reflection on himself, or any Member of that Committee, in which he would do the Right Hon. Gentleman the justice to say every thing was done regularly, satisfactorily to all the Members, with their unanimous approbation, and with the strictest regard to niceness and every thing of that kind; but as the Report of that Committee had not appeared

appeared to have given compleat satisfaction to the public at large, he was for going into an Examination in the most public manner, and felt it not to be any sort of reflection on him, or the Gentlemen of the former Committee.

The strangers were here desired to withdraw, and at length Mr. *Pulteney* waved his objection, and the Question of the Order of the Day was withdrawn.

Mr. Pitt.

The *Chancellor of the Exchequer* then moved,

“ That a Committee be appointed to examine the Physicians
“ who have attended his Majesty touching the State of his Ma-
“ jesty’s Health, and that they do report the same to the House.”

Mr. Sheri-
dan.

Mr. *Sheridan* moved, by way of Amendment, to insert these words, after the word “ appointed,”

“ To enquire into the present state of his Majesty’s malady, and
“ the probability of a speedy recovery; and that they have power
“ to send for such persons who may give the Committee the re-
“ quisite information.”

This occasioned a long debate, in which the *Chancellor of the Exchequer*, Mr. *Fox*, Mr. *Burke*, Mr. *Wyndham*, Mr. *Sheridan*, Mr. *Edwards*, Mr. *Vyner*, the *Attorney General*, Mr. *Rolle*, Mr. *Martin*, and other Gentlemen, took part.

At Half after Eight the House divided,

<i>Ayes</i> (for the original Motion)	-	221
<i>Noes</i>	- - - -	141

Majority against the Amendment - 80

The main question was then put and agreed to.

Tuesday, January 12.

COLCHESTER ELECTION.

Sir Robert
Smyth.

The Speaker took the Chair about four o’clock, and Sir *Robert Smyth* immediately rose, and said, he had a Petition to present from the Electors of Colchester, but as he saw the House was rather thin, and the subject of the Petition might possibly occasion a good deal of discussion, he would merely give notice of the contents of the Petition, and move it on Wednesday. Sir Robert then read the Petition, which alledged, that Sir Edmund Affleck died on the

19th of November last; that his death occasioned a vacancy for Colchester; that a Writ was issued for the choice of a Representative for that Borough in December last; that George Jackson and George Tierney, Esqrs. became Candidates; that the Returning Officer having proceeded to an Election, had, on the close of the Poll, declared the numbers of the votes on each side to be equal, and made his return accordingly to that House. The Petition afterwards observed upon the inconvenience resulting to a town of so much trade as Colchester, from the circumstance of remaining unrepresented for two months, and during the agitation of questions of so much critical moment and importance, as had for some weeks past engaged the attention of the House, and stated, that the electors who had voted for George Tierney, Esq; had no doubt but that in due time they should be able to establish the fact, that Mr. Tierney had the majority of good votes, to the satisfaction and conviction of a Committee of that House; and therefore prayed the House to take such measures, as to their wisdom should seem fit, to prevent the town of Colchester from any longer remaining unrepresented.

Mr. *Dempster* said, he had never been able to reconcile it to his ideas of the constitution, that the House, under its present circumstances, could even go the length of issuing a writ for the choice of a Representative for a vacant borough, or take any one step whatever of a Parliamentary nature, before they had the third Estate restored, and were made a regular House of Parliament. In his opinion the ancient practice was preferable. He thought the restoring of the constitution to its complete form, the preliminary step to be taken before they proceeded to the exercise of any of their individual functions as one branch of the Legislature, and therefore he hoped the Hon. Baronet would wave his intention of presenting the Petition he had read on Wednesday next, and not urge the House to proceed further, than the length they had already gone, of issuing writs.

REPORT OF THE COMMITTEE.

The House waited till five o'clock in expectation of the Committee appointed to examine his Majesty's Physicians being able to complete

complete their Report, and present it that day, but it appearing that the hope was fruitless,

Mr. Vyner. Mr. Vyner rose and said, it was with reluctance that he stood up to make the Motion, that he found himself under the necessity of offering to the House, but although the Committee above stairs had applied themselves most assiduously to the object of their appointment, and had exerted every endeavour to expedite the completion of their Report, they had found so much new work upon their hands, and that of too great importance to be passed over, that it had as yet been out of their power to finish their business, and therefore they found themselves obliged either to be guilty of the very gross irregularity of making a Report in part only, or of desiring the House to wait another day, by which time they thought they should be able to conclude their Examination, and make their Report whole and entire; what he had therefore to propose to the House was, that they should adjourn to the next day.

The Question of Adjournment having been put from the Chair, the same was agreed to.

Mr. Pitt. At that moment the Chancellor of the Exchequer entered the House, and desired to be heard a few words before the House separated; a cry of *Places! Places!* being called, some Gentlemen said, *there is no Speaker in the Chair* (Mr. Grenville having left it as soon as the Question of Adjournment was carried) the *Chancellor of the Exchequer* then said, as his object was to save Gentlemen trouble, he hoped they would excuse a little disorder; that he had not been able to get down sooner, having but that moment left the Chair of the Committee. As the Report, from the circumstances that had occurred during the Examination, would be considerably longer than had been at first expected, the Chancellor of the Exchequer informed all the Members present, that had the House been sitting, it was his intention to have moved to discharge the order for the House to resolve itself into a Committee of the whole House on the State of the Nation on Wednesday, and to have moved it for Thursday, which was as early as the Report could reasonably be expected to be printed, and Gentlemen to have read it. No person, he said, could be more anxious and impatient than he was, on every account, to go into the Committee on the State of the Nation, and proceed to

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take the other necessary steps for restoring the Government to its due share of energy and vigour, but as the delay of a day was, under the circumstance he had mentioned, absolutely unavoidable, he hoped what he had then said, however irregularly introduced, would be considered as a notice that he should the next day, move to discharge the Order of the day for Wednesday, and move it for Thursday.

The House immediately separated.

Friday, January 16.

COLCHESTER PETITION.

Sir Robert Smyth rose to call the attention of the House to the Colchester Election Petition, which he read over in like manner as he had done last Monday. Sir Robert said, he was aware that there must be some small irregularity in the House's proceeding to notice the Petition, but as they had issued Writs, chosen a Speaker, and exercised other important functions, he saw no reason for their stopping short, and refusing to take into consideration a complaint of an improper return upon an Election, by the means of which so considerable a town as that of Colchester, and a town so respectable on account of its trade, manufacture, and commerce, had remained misrepresented during the whole time that the late very important subjects of discussion had been under agitation; and Sir Robert said, he rather hoped no objection would be made to receiving the Petition, as on the day when a doubt had been started, whether under the present circumstances of the House, the Speaker ought to issue his Writ to chuse a Representative for a vacant Borough, a Right Hon. Gentleman opposite to him had advised, that the Speaker might issue his Writ, and expressed an anxiety that during the agitation of questions so new, critical, and important in their nature, as full a representation of the people in that House might be had as possible. Sir Robert said, the subject would justify a good deal of discussion, but as other matter of infinite magnitude was expected to occupy the

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attention of the House that day, respecting which the public curiosity was extremely impatient, he would not intrude further on the time of that House, but wishing to shorten rather than protract the business, would say no more but barely move for leave to bring up the Petition.

Mr. Dempster.

Mr. *Dempster* said, he had on a former day begged the Hon. Baronet to wave his intention of agitating the Petition at present, being one of those who were of opinion that the House had no power to do any one matter of business under the present circumstances, other than what the necessity of the case absolutely required.

Mr. Pitt.

The *Chancellor of the Exchequer* said, as the day was set apart for other, and very important business, respecting which, the impatience of the public and of that House was urgent, he should not waste much time on the present subject. It appeared to him that the manner in which the Petition was brought forward was different from that in which Petitions in cases of Election were generally introduced, which of itself was sufficient to shew that the case was new. In general, Petitions complaining of undue Elections, false returns, &c. were brought and laid upon the Table within fourteen days of the opening of the Session in consequence of an Order of the House. At present it was notorious that the House had made no such order, the Session not having been regularly opened, and therefore the Hon. Baronet, he presumed, had moved for leave to bring up the Petition. The Hon. Baronet, he observed, had stated that a doubt being started as to the propriety of the Speaker's issuing his Writ for the election of a Representative of a vacant Borough, he had arisen and declared his wish to have the representation of the people in that House as full and as complete as possible during the agitation and discussion of those very critical and important questions that the exigency of the times unfortunately gave rise to; the fact undoubtedly was so, and he still entertained the same opinion, and was extremely anxious that the Representation of the People should be as complete as possible; but though he was very ready to take every proper step towards that end, yet as the other business of the day pressed exceedingly, without meaning to decide at all upon the Question that had been moved, he thought the most adviseable thing for
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the House to do, would be, to adjourn the Debate upon it, till Monday next, by which means Gentlemen would have time to look into Mr. Grenville's Bill, and make up their minds as to the steps most proper to be taken on the subject of the Petition.

Sir Robert Smyth said, he should be sorry to trespass on the time of the House, when other important business demanded their attention; but as the town of Colchester was so respectable in every point of view, he thought its remaining unrepresented while such critical constitutional questions were daily agitating in that House, a matter of serious moment, and had therefore felt it his duty to apprize the House of the fact, and submit the Petition he had read, to their wisdom and judgment. With regard to the Motion of the Right Hon. Gentleman, he should not object to it.

Sir Robert
Smyth.

The Motion was put and carried.

STATE OF THE NATION.

The *Chancellor of the Exchequer* having moved that the Order of the Day be read for the House to resolve itself into a Committee on the State of the Nation, the same was read accordingly with the Order for referring the several Reports that had been brought up and read, to the Committee; the Speaker left the Chair, and Brooke Watson, Esq. took his seat at the Table.

The *Chancellor of the Exchequer* then rose again, and after lamenting the peculiar circumstances of the country, which called upon them to exercise a Right that had devolved on them in consequence of the melancholy situation of his Majesty, which rendered him incapable of exercising the Royal Authority, said it was their duty to provide the means of supplying the deficiency, but in doing so he trusted it must be the wish of every Gentleman, that they should proceed in the manner the best calculated to give general satisfaction, and the most likely to secure the approbation of the people, which he had the happiness to know had generally attended every step they had hitherto taken. He sincerely wished, that every thing he should have the honour to propose, might be fully discussed and fairly decided upon, that the nature of the case, the general principles on which they ought to proceed, and the application of those principles might be clearly and distinctly traced out. In so doing they would be best enabled to meet the

Mr. Pitt.

emergency that called upon them, and provide for the defect of the personal exercise of the Royal Authority. The business of the Committee lay in a very narrow compass, notwithstanding the voluminous reports upon the Table. In the Report last delivered, there was abundant matter of confirmation to him, of the propriety and prudence of those measures which he was, as the Committee were aware, prepared to have proposed to them nearly ten days ago. But though there was much material information in that Report, there was no difference, in his opinion, in the ground of what he had to offer; but that on the former day, as well as the present, the Committee had more information before them than enough to bear out all that he should submit to their consideration. Had he, on the former day, had to have stated the ground on which he intended to have built his proceeding, he should have stated it thus: "that his Majesty was incapable of meeting his Parliament, or attending to public business; that the unanimous opinion of his Physicians was, that his Majesty's recovery was more probable than the contrary; and that all the Physicians agreed, that it was impossible to ascertain when that so much wished-for event might take place, but that those who were more immediately conversant with the disorder with which his Majesty was afflicted, had declared that the majority were cured, and that one of the Physicians, the most conversant of any, had stated, that the greatest length he had ever known the disorder to continue, was a year and a half or two years; that the shortest was three months, and the average five or six months." In saying even that he should have said more than was necessary for any argument on the principle on which he went. What they had to provide for therefore, was an interval only, and he flattered himself it would prove but a short one; if, however, unfortunately his Majesty's Illness should be protracted, they might leave it to Parliament to do what was at present clearly unnecessary, viz. to consider of a more permanent plan of Government. If they considered that the disorder was not in itself incurable, any man must think, that the provisions ought not to be permanent. He recapitulated what had passed on the subject on Tuesday se'nnight, and the line of argument that had been taken, which rendered it impossible for him to avoid giving way to a more narrow and minute enquiry, than had
before

before taken place ; and however he might feel pain on account of something that had passed in the Committee, he could not upon the whole but rejoice that he had given way, as it now appeared that the argument on which the Right Honourable Gentleman over against him had relied, viz. that because a month had elapsed since the former enquiry, that his Majesty's cure was to be considered as the more improbable, was not grounded ; since, however much the Physicians disagreed in other points, they were unanimous, that the probability of the cure rested precisely on the same grounds as before, a circumstance which, he was persuaded, would give as much pleasure to the Right Honourable Gentleman as it had done to himself. With regard to the difference of opinion between the Physicians, as to the prospect of a recovery, it appeared to him to depend on two circumstances, by which it could be decided on whose opinion the greatest reliance ought to be placed, viz. the knowledge of the malady in general, or the knowledge of the particular case of the patient. Three of his Majesty's Physicians had been conversant with the malady. Two others, who though not so conversant, are well acquainted with his Majesty's habits. These two (Sir George Baker and Dr. Warren) attend his Majesty for two hours each day, the three others from evening till eleven in the forenoon ; now it was natural for those who attended his Majesty most, to be the best judges of his situation, and it was remarkable that Dr. Warren and Sir George Baker were the least confident of a cure, and the other Doctors more so ; but Dr. Willis who attended his Majesty more than any of the others, was more sanguine than them all. Sir Lucas Pepys states circumstances that do not amount to a certainty of a cure, but which prove an abatement of his Majesty's disorder. Dr. Willis is of opinion, that all the symptoms since the time of the last examination, are more favourable, and that there are considerable symptoms of abatement. In a word, all the physicians agree in the probability of his Majesty's recovery, that the length of the time has made no unfavourable change, and those who understand the disorder best, think it more favourable. He said, he wished not to go at length into the particular of the last Report, on which the Committee might safely rely, as there were those on the Committee who were anxious to sift with the most scrupulous

accuracy, every thing likely to prove his Majesty's recovery. There had, he said, been those who had given little credit to Dr. Willis; if, therefore, any observations should arise from them, he had no doubt they would be made in the same spirit, and with the same ability as they had made them with in the Committee above stairs. He spoke of the skill, integrity, and good sense of Dr. Willis, (which were evinced under a severe cross examination, calculated to puzzle simplicity) in terms of eulogium; and said, however it might suit with the political intrigues of the times, or be convenient to circulate just at present in London and its environs, he would not anticipate the remarks that might be made; but if there were any such remarks to be brought forward, he desired if they chose to discuss the credit of this or that Physician, that they might understand the nature of the imputation, whatever it might be. In the course of the enquiry above stairs, a circumstance had come out, over which he would not draw a veil of delicacy, as he was not ashamed to bring it forward. If it be stated to the discredit of any Physician, that he had submitted to be unduly influenced by a great personage, let the Committee know to what Physician the imputation of having consented to give an untrue account of the state of his Majesty's health applied; if an impropriety of transaction like that was imputed, he would not believe it till it was distinctly *ventured* to be said; and when he used the term *venture*, he did not mean to apply it with regard to the exalted station of the person in question, but with regard to the transaction itself; nor did he, he repeated it, believe that any man would venture to charge blame of any kind on the respectable personage in question, who had lived for almost thirty years in this country without traduction, a pattern of the most unexampled affection, domestic tenderness and virtue, against whom the breath of calumny had not dared to send forth even a whisper, and who could not merit it at a moment, when visited by a calamity, which rarely befalls a private person, but which surely is not a little aggravated when it becomes the lot of the family of a person in so exalted a rank as the Sovereign of the country. With regard to the fact itself, it appeared that Dr. Warren allowed, there were apparent circumstances of an amendment; there was in consequence a wish on the part of her Majesty that the Report might be

be such as should give the public the most favourable account of his Majesty's health, and would any man prove that any undue influence had been used for that purpose? The Chancellor of the Exchequer explained in what manner the words, *a comfortable way*, had been introduced into the Report, and then spoke of Dr. Willis, declaring, he was known in the country where he lived, by his character, and by the happiness he had been the means of giving to the numerous families who were bound to bless him for the good effects of his skill. He spoke of another Physician, whose character was likewise high; and declared that if he wished to draw a true conclusion of his Majesty's State of Health, and prospect of Recovery, he would wish to draw it from Dr. Willis, more than from any other Physician. Having said every thing he meant to go upon respecting the Report, he came to the main point, and said, the situation they were to provide for, was for the cessation of the personal exercise of the Royal Authority, a deficiency for which no previous provision had been made. As the cause of this deficiency, he had every reason to think, would be but temporary, they must deliberately consider what were the objects to which they were to look. The first object they had to provide for, was to take care that there was a Government in the country, equal to its safety and the dispatch of public business. Out of the nature of such a provision another duty arose, and that of equal importance to the other, viz. to take care that the measure provided did not go beyond the necessity of the case. The Committee were to provide powers for the exercise of the Government, and they must take care to place those powers in proper hands; but, above all things, to recollect that they were *not* placing a King on the Throne. They were to remember that the Throne was full; that no right any where existed to exercise the Royal Authority, but that which was conferred by that House. They were to take care to provide against any embarrassment in the resumption of the Regal Authority, whenever God in his Providence should permit the Rightful Holder again to exercise it. They were to provide only for the necessity of the case, and not to exceed it; and therefore the measures he should propose would be to invest his Royal Highness the Prince of Wales with the whole Royal Authority, to be exercised in the name and on the behalf of his Majesty, under

such Limitations and Restrictions only as should be provided. The principle, he said, was not new, although the circumstances of the case happened to be unprecedented. No man would say, that the same power that the principal exercised ought to be given to the delegate; if they referred to Precedents, they would find that no one instance would be met with of the whole of the Royal Prerogatives having been so delegated; on the contrary, every Precedent that bore the smallest analogy to the present situation, evinced the direct contrary, and that, no doubt, with a view to facilitate and ensure the resignation of the delegate, when the principal should be competent to exercise or to resume his authority. He referred them to the Act of Queen Anne, (the Act of Succession) the Regency Act of George II. and the Regency Act of the present King. Let them look to the case of a Sovereign disabled by infancy—Was the Regent of the country invested with full and unlimited power to exercise the Royal Authority? Undoubtedly not. In the three Regency Bills in the Statute Books to which he referred, were there not limitations? There were in every one. All the powers might be given, but then they were not given to one person. What was the principle in a case of minority? It was thought unsafe to vest all the powers in one person. He laid particular stress on the Regency Bill, in the reign of George the Second, and observed that there appeared at that time to have been a wish on both sides the House to doubt what confidence should be placed in the Regent. They were afraid of making a Precedent, and therefore they gave the Royal powers among many, appointing a Council, without whose consent the Regent could take no important step whatever. The Chancellor stated that the will of the Predecessor was by one of the Bills to be the system followed, while the Heir Apparent continued a Minor; a principle which he owned he thought went too far, although it was a plausible principle, and was apparently most applicable to the present case. After reasoning upon the three different precedents, and touching upon the short Protectorate of Richard the Third, the other Protectorates or Guardianships in the earlier periods of our history, and demonstrating by argument, that as in no one preceding instance all the powers of Royalty were given to one person, so in the present instance, which certainly differed most essentially,

essentially, they ought not to be, nor could they be, trusted in the hands of one person, without proving a hazardous, and, possibly, a prejudicial experiment: he declared he would give his vote for investing the Regent with all the powers that are necessary, but would agree to give none that were not requisite to carry on the Government of the country with energy and effect.

His first Resolution, the Chancellor of the Exchequer said, he need not trouble the House with, as he had already stated its substance and effect.

His second Resolution (which he read) was to restrain the Regent from exercising one branch of the prerogative peculiarly inherent in the Crown, viz. the power of granting Peerages, excepting to his Majesty's sons, being twenty-one years of age. This Restriction he thought necessary, as the Regent ought to grant nothing which might produce difficulties and embarrassments, when the happy hour of his Majesty's restoration to his health should arrive. He dwelt a little on the object of investing the Crown with the power of creating Peers, viz. to enable the Sovereign to distribute rewards to eminent merit, and to give the Crown the means of choosing persons, who should add to the number of one of the Branches of the Legislature. The Creation of Peers, he observed, was one of those powers which belonged personally to the King. When he said so, he scarcely meant to inculcate that it was the individual right of the King to create Peers, but that it was an especial Prerogative of the Crown. He enumerated the grounds on which the Crown might exercise the Privilege of making Peers, and pointed out the inconveniencies that might follow from the Regent having the power to make Peers, contending that it was possible, the consequence of the House of Lords might be lost, and the system of the country overturned, and the Government end in a pure monarchy, an aristocracy, an oligarchy, or some resource equally distant from our present Constitution. He desired, if he failed to enumerate any particulars connected with any part of the subject, to have them pointed out to him. He reasoned upon the sort of effect that might arise from depriving the Regent of the power of creating Peers merely for a time; observing, that surely it would not be contended, that for want of such an incentive for a few months, the country was likely

to be deprived of the service of men of merit. If his Majesty recovered, (as they all hoped, and had reason to expect, he would do) the power of creating Peers might be exercised by the rightful holder of that Prerogative: if unfortunately his Majesty should grow worse, and should be pronounced not likely to recover for a long time, Parliament would have it in its power to take off the restriction, and vest the Regent with a power which, though not at present, he was ready to admit might in time become necessary to the carrying on of a powerful government. He spoke of the fluctuation of wealth and property in the country, and of the propriety of occasionally raising monied men to the Peerage, in order to give the landed interest its fair balance and share in the honours in the power of the Crown to bestow. He alluded to the sort of hands into which the conduct of publick affairs were likely to go, and said, unless they had reason to expect a desperate confederacy and cabal, to obstruct the publick measures, he saw no sort of inconvenience that could result from a temporary withholding from the Regent the power of making Peerages. As an abuse of the Prerogative of making Peers, he urged the possibility of such another confederacy and cabal forming, (as had been convicted of a design to overthrow the Constitution a few years since) who might give the Regent advice, which the Crown would probably have rejected, and such a number of Peers might be created, as might considerably embarrass the Crown in carrying on the Government, when his Majesty should be restored to his health. He said he meant to make no professions, but he desired what he was going to say, might be considered as the test of his future conduct; he then declared that he should not be found an opposer of the just and wise Measures of the new Government, which would remain to be discussed hereafter. He urged a great variety of other arguments in proof, that the withholding the power of making Peers for a time, was what they owed to the real interests of the country and the true Sovereign; that it could not prove prejudicial to the Regent's Government, and that if it should turn out so, they would have the remedy in their own hands; a principle which coupled with that of doing nothing beyond the real necessity of the case. Having repeatedly laid a stress upon this, he said, that upon the first view, the principles he had laid down might be supposed not

to confine themselves merely to one branch of the Legislature, and it might be contended, that as the present House of Commons had proved themselves so loyal to their Sovereign, and attentive to the interests of his people, that his Majesty would be happy to receive the congratulations of the same House of Commons on his recovery; but a little more consideration would shew, that that would be reserving from the people an opportunity perhaps of shewing their sense of the conduct of their Representatives; and there could be no danger to the Sovereign in sending them back to their Constituents, if the Regent should deem it wise or proper so to do; especially to a people whose loyalty had been so conspicuously manifested by the general and heart-felt sorrow expressed throughout the kingdom, in consequence of his Majesty's melancholy situation and illness.

After fully dilating on the second Resolution, he read the third, which was a restriction preventing the Regent from allowing any grant, patent place, reversion, or annuity for life, excepting in particular unavoidable cases, such as to Judges, &c. As this Resolution ran so much upon the principle of the preceding one, the Chancellor of the Exchequer said, it was unnecessary for him to go into farther explanation of it.

The fourth Resolution restrained the Regent from exercising any power over the personal property of the King. The Chancellor of the Exchequer said, he scarcely thought it necessary to pass this Resolution, as it was not probable his Royal Highness should interfere with his Majesty's personal property in his life-time, but as they were acting upon parliamentary Principles, he thought it his duty to submit it to the Committee.

The last Resolution would be for entrusting the care of the Royal Person, during his Majesty's illness, where of course all men would be unanimous in agreeing the Royal Person ought to be placed, in the guardianship of the Queen; and with this trust, his intention was to propose, to put the whole of his Majesty's Household under the authority of her Majesty, investing her with full powers to dismiss, appoint, &c. as she should think proper. Without being invested with this controul, he imagined the Queen could not discharge the important trust committed to her care. He spoke of the Officers of high rank in the Household, which though
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their places were well worthy the ambition of men of the first rank and family in the kingdom, were nevertheless only the first menial servants of his Majesty, and actually necessary to direct and superintend the greater part of his Majesty's Household. He stated, that these officers, such as the Master of the Horse, Lord Chamberlain, Lord Steward, &c. were by many thought high Officers of State, but the fact was otherwise; they were the menial servants of the Crown, and essential to its dignity and splendour. He argued against new modelling the Royal Household under the present circumstances, and spoke of the anxiety and pain it must give his Majesty to find all those whom he had chosen to be about his Royal Person discharged. Possibly his Majesty's illness might continue but a few months, perhaps a few weeks; in such a situation would it, he asked, be delicate and respectful to make a change? Those who were Lords of the Bedchamber, he admitted, did no great duty at present, but the Equerries did. He owned, that this part of the arrangement was a matter of some difficulty; but when he considered what his Majesty would feel, when he waked from his trance of reason, and asked for those attendants, and was told, that his subjects had taken advantage of his momentary absence of mind, and changed them, he flattered himself no Gentleman would object to such a mark of attention being paid to his Majesty. The Regent, it was true, he said, was different from the King, but at the same time the Regent ought to have a retinue adequate to the importance, and the high rank of his station; and he meant to propose that he should have such a retinue, which would unquestionably be some increase of expence to the country; but as it was unavoidably necessary to appoint a Regent, it was equally necessary to maintain the dignity of the character; and Gentlemen would not, he conceived, grudge a little expence on such an occasion. He recurred again to the power to be lodged in the hands of the Queen, and urged the necessity of considering the rank of the King, the rank of the Prince of Wales, and the rank of the Queen, who was consort of the Sovereign, and mother of the Regent; it was not to be supposed, therefore, that the influence arising from the patronage held by the Queen, would operate to the detriment of the Regent's Government; in his opinion, to

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conceive as much, would be equally indecent and improper. On the grounds that he had mentioned, he moved,

“ That it is the opinion of this Committee, that for the purpose of providing for the exercise of the King’s Royal Authority during the continuance of his Majesty’s illness, in such manner, and to such extent, as the present circumstances of the urgent concerns of the Nation appear to require ; it is expedient that his Royal Highness the Prince of Wales, being resident within the realm, shall be empowered to exercise and administer the Royal Authority according to the laws and constitution of Great Britain, in the name, and on the behalf, of his Majesty, under the style and title of REGENT of the Kingdom, and to use, execute, and perform, in the name, and on the behalf of his Majesty, all authorities, prerogatives, acts of government, and administration of the same, which belong to the King of this Realm, to use, execute, and perform, according to the law thereof, subject to such limitations and exceptions as shall be provided.”

The Clerk read all the Resolutions ; when he came to the last, it stated, that her Majesty was to have a Council, upon which the *Chancellor of the Exchequer* rose again, and said, he had not entered fully into an explanation of the last Resolution, because, although he had considered it as his duty to state it to the Committee, he meant it to be considered as a separate and distinct object, and so to be at a fit opportunity debated and discussed. He would just farther say, that it had occurred to him, that in cases of difficulty and embarrassment, on a subject of so delicate a nature, it might be a comfort to her Majesty’s mind to have a Council to consult, but it was merely intended to be a Council of advice, not a Council of controul.

The Chairman then read the first motion in form :

Mr. *Powys* rose immediately, and said, he could not withstand Mr. *Powys*, seizing on the earliest moment to resist the whole system opened by the Right Hon. Gentleman, as a monstrous fabrick, tending to mutilate and dismember the constitutional authority of the Crown. When the Committee of Enquiry, of which he was an unworthy member, first sat, he knew all that was necessary for him to know of his Majesty’s situation, viz. that he was incapable of meeting his Parliament, or attending to Publick Business ; that lamentable

as his situation was, it was nevertheless accompanied with the hope of his probable recovery, the time of that recovery was, however, declared to be uncertain. What was then the next proceeding? They had voted a Resolution that it was their duty to preserve the Royal Authority whole and entire. What were they now called upon to perform? To dissolve, separate, and parcel out that Royal Authority, that they had solemnly resolved to preserve whole and entire. What was the Constitutional Authority of the Crown? He took it to be an assemblage of all the duties of the Kingly office defined by statute. When, and to which of the three Estates, was assigned the power of bestowing honours? To the Crown; and that power of the Crown was derived from the same source, from which that House derived its power. It was an integral part of the power of the people; the moment they took from the Crown the power of bestowing honours, it therefore was no longer the Constitution framed by our ancestors. He was told the political character of the King was entire; good God! was not the political character of the Crown entire! Was it necessary that Government should be new modelled? Were the regal Rights inherent in the person of the King, or were they annexed to the office? He had heard in another place, that there was an infirmity in human nature which naturally attached itself to power; the person who said so, was, no doubt, convinced of its truth; but was that infirmity confined to princes? Was there any thing in the conduct of the Heir Apparent, that warranted a suspicion of his labouring under such an infirmity? Those who harboured a suspicion were bound to prove it. Had he acted improperly during his father's illness? Had he ever attempted, by intrigues or cabal, to wrest the sceptre from the hand of his father? Had he been guilty of high treason? It was not, Mr. Powys said, consistent with the liberality of the Right Hon. Gentleman, to judge of a man's conduct in a situation in which he had never been placed. The Right Honourable had said, there might be bad advisers of the Regent; might there not be bad advisers of the Queen? This country would look at their actions with peculiar jealousy. The Right Hon. Gentleman had said, when the new Government came in, they would have able leaders. Let those who were without offence cast the first stone! But was there no energy left in that

House to censure Ministers, and controul their conduct? He flattered himself they should still be competent to grapple with all ill advisers. In the Resolutions, if there were any thing plausible, and at first sight reasonable, it was in the third Resolution, containing the Restrictions against granting offices, patent places, and pensions; but that all proceeded on the mistaken notion that they were private property; that part of the Prerogative which was the property of the Crown, he always had considered, and should consider, as a part of the public revenue. Were none of the Royal Household the political servants of the Crown, and had not the Right Hon. Gentleman again and again declared, that the Regent should have the appointment of his political servants? Did the Right Hon. Gentleman know how many Members of that House, and how many of the other, were on the Establishment of the Royal Household? And was that to secure to the King the safety of his Crown against the ambition of the Regent and his ill-advisers? Why would they vest one power in the Regent, and not another? Did they suppose that the Regent would abuse it? Did they really feel that to be the case? Had they not some other object in view? There could be no argument for curtailing the prerogatives of the Regent, that would not apply to the exclusion of the Heir Apparent from the Regency. If that was the object, let Gentlemen go to it explicitly, and in a manly way, and not in the narrow, mysterious, crooked, mischievous manner they were pursuing! Mr. Powys read an extract from a political pamphlet in this part of his speech, which he thought applicable to his argument, and then called on the Committee not to set up that paralytical power which they were about to establish. The Resolution he charged with being like to excite feuds and animosities, not only in the kingdom, but in the Royal Family, and to arm *mother* against *son*. Was that the way to add energy, to add vigour to the Government? Mr. Powys reminded Mr. Pitt, that he had formerly fought under his banners, and fought with success, when he thought, in order to preserve a distant branch of the Government, an attempt was made to introduce a fourth Estate, grounded on a wound at the very vitals of the Constitution. He declared he considered the present system to be equally destructive to the Constitution; and as he did not want to parcel out any of the Prerogatives of
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the Crown at the will of an individual, he would move an Amendment. The Right Hon. Gentleman had said, he went by Precedent, but the Precedents he had quoted told against him. Mr. Powys said, he would establish himself upon Precedent, upon the Statutes themselves. The extent of power to be given now ought to be the same as given in former Statutes, and therefore he would give the words of those Statutes. Mr. Powys accordingly referred to the Statutes, and moved his Amendment in these words:

To leave out from (Illness) in order to insert,

“ And preserving the constitution of Great Britain undisturbed,
 “ and the dignity and lustre of the Crown unimpaired, His Royal
 “ Highness the Prince of Wales be appointed, during the present
 “ indisposition of his Majesty, and no longer, in the name of the
 “ King, and in his stead, to exercise and administer, according to
 “ the laws and constitution of Great Britain, the regal power and
 “ government, under the style and title of Regent of the kingdom,
 “ and to use, execute, and perform all prerogatives, authorities,
 “ and acts of government, which might have been lawfully used,
 “ executed and performed by the Regent and Council of Regency,
 “ constituted and appointed by an Act of the 5th of his present
 “ Majesty, cap. 27.”

As soon as the Chairman had read the Amendment,

Lord North. Lord *North* began with declaring, that he could not see what Gentleman had risen, he hoped therefore he had not risen improperly. He had heard his name called upon from the Chair, and on that account he had persisted in standing up. It might appear disrespectful; it certainly was not pleasant, and was rather unusual for any Member of that House to rise with beginning to complain of any Resolutions, which had on a former day received the sanction of the House, and yet on the present occasion he felt a renewal of those apprehensions which he had stated himself to labour under, when instead of proceeding to perform that single act of duty which the necessity of the case alone required at their hands, they had taken a course at once novel and dangerous, by establishing a precedent unknown before, of appointing a shadow, a fiction of law, instead of a real, useful, and rational Representative of the third Estate. Did it become them, as Members of the House of Commons, in a moment like that, when the royal negative, which
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the Constitution had invested in his Majesty, was suspended, to avail themselves of the temporary incapacity of the King, and to attack all the authorities of the Crown while it remained without a shield. When he talked of the Crown and of the King, he meant to speak of both in that sense, and in that character, which the Hon. Gentleman who spoke before him (Mr. Powys) had distinctly defined. The measures they were now called upon to adopt, contradicted that wise maxim of our Constitution, *that the King never dies*; the King, in his individual and natural capacity, it was true, suffered a demise, but the political capacity of the Crown was both by Law and the Constitution always held to be whole and entire; and why was this maxim established, but for a plain and obvious reason?—to guard against and prevent a fatal interregnum of imperial power. Ministers had contrived to produce that evil, which the Constitution had so wisely and so cautiously guarded against, and had devised the means of the political death of the Crown. Let them ask themselves, what constituted the kingly office? It consisted of duties and functions on the one hand, of rights and prerogatives on the other; neither of them granted to the King for his personal gratification and advantage, but wisely invested in the Crown, as the third Estate, for the good and security of the whole. Separate these public duties and prerogatives, suspend some, and parcel out others, and there existed that fatal Interregnum, which the Constitution had forbidden. The Right Hon. Gentleman had repeatedly told them, in the course of his speech, that they were to expect that his Majesty's melancholy disorder would be but short, and that they were to consider themselves as providing for only a *temporary* suspension of the personal exercise of the Royal Authority; but let the Committee recollect, that notwithstanding the long and repeated examinations his Majesty's Physicians had undergone, notwithstanding those examinations had obviously been governed by the general and anxious wishes of the Committee, that they might learn when they might expect the happy moment of his Majesty's restoration to the full exercise of his authority, it had not been in the power of any one consulted to give an idea of the probable time when his Majesty's recovery would take place. The Right Hon. Gentleman himself had admitted, that unless his Majesty's recovery did take place, the Re-

solutions he had proposed would not be proper. Undoubtedly they would not. If it was but for a moment, every man who was a friend to the Constitution must submit to such Resolutions with regret, because they went immediately to affect the fundamental principles of the Constitution. But if it were admitted, that the Resolutions would not be proper, in case his Majesty's recovery did not take place, he must beg leave to deny that they were proper at all, under any circumstances, or in any possible case. Nor were they in his mind more necessary than they were proper. They were in themselves pernicious and dangerous, and must necessarily lead to the utmost confusion. That House had resolved, that it was their Right and Duty to provide the means of supplying the defect in the personal exercise of the Royal Authority. What could that mean, more than they were to provide for the interval of his Majesty's illness, by not suffering any advantage to be taken to despoil the Crown of its just and constitutional Rights? It was their duty to take care that when his Majesty should be capable of reassuming the Royal functions, he should find them in as good a state as he left them in; undiminished, whole, and entire. Would any man venture to say, that this would be the case, if the Resolutions the Right Hon. Gentleman had proposed should be adopted by the Committee? Indisputably it would not,—because the object of the Resolutions was to appoint a person to the regal office, and to separate from that office the Royal Authority.

What was the nature and extent of the Limitations and Restrictions specified in those Resolutions, containing the detail of the general idea stated in the preliminary Resolution then under the consideration of the Committee? By the first of these Resolutions, the Regent was to be restrained from making Peers; a new and an unconstitutional limitation of the Royal Authority! The Hon. Gentleman had relied pretty much on *Précédents* and their analogy, when he had persuaded the House it was necessary to declare it to be their Right to provide for supplying the deficiency occasioned by the suspension of the Royal Authority. Could the Right Hon. Gentleman produce any *Précédent*, which, by the most distant analogy, or the most forced construction, could be brought to countenance the restraining the Regent from making Peers? His Lordship declared, he knew of no moment in which such a Power had

had lain dormant in this country. The Right Hon. Gentleman had said, that this power could not be necessary to the Regent. The King possessed this power because it was necessary, and the Right Hon. Gentleman had described it as the inherent Right of the Crown. It was nevertheless a public Right, and not a personal individual Right. It belonged to the Kingly office as one of the Royal Prerogatives, all of which were supposed to be necessary to the support of Government, and the good of the people governed. If the power of making Peers was necessary to a King, why was it not necessary to a Regent? In Kings this power had been considered as the fountain of honour, and had been exercised often to the general satisfaction of the people as the reward of merit, and the incentive of public virtue. Why then should it be denied the Regent? His Majesty's ill health, and the uncertainty of his recovery, would of themselves make the Government of a Regent more precarious, more instable than that of the Crown, which, from its nature, was permanent, and consequently more firm, more vigorous, and more effectual. Because then the Government of a Regent was naturally and unavoidably weaker than the Government of a King, was it to be made weaker still, by the imposition of unnecessary Limitations and Restrictions, tending to cramp, to embarrass and enfeeble its powers and authority? The Right Hon. Gentleman had said, a time might come, when it would probably be necessary to reconsider the business, and then, if his Majesty's recovery did not take place, they might remove the Restrictions now imposed on the Regent, and lessen the Limitations, or take them away altogether. That Parliament could revise, explain, and amend its own Acts, was a truth by no means new to that House; but why should the House create a necessity for such revision, explanation, and amendment, when the creating it would establish a dangerous Precedent, and the avoiding it could lead to no sort of difficulty or inconvenience? The last Peerage Bill that was agitated, was in the reign of George the First; at that time there were many men who deserved well of their country, and were fairly entitled to any honours in the power of the Crown to bestow; but George the First was then old and infirm; the Ministry, though a powerful party, composed of men of high character, great abilities, and great authority in the country, were

imagined not to be much in the good graces of the Prince of Wales, the Heir Apparent to the Throne. They had reason to expect, therefore, that when the Prince of Wales came to the Crown, he would create so many new Peers that their party would be outnumbered in the House of Lords ; and thus, they should be shut out from a reasonable chance of returning to power, in case it should, on the accession of the new King, be taken out of their hands. With a view to avert this evil, they proposed to limit the Peers to be created in future, and to restrain the Crown from ennobling more than a certain number of Commoners, from time to time. His Lordship said, these motives he did not mean to assert were the true motives, but they were those attributed to the Ministry at the time. The Bill in question was so clearly calculated to increase the importance of the Peerage, that it was greedily grasped at by the Lords of all parties, although they pretty plainly saw the object that was meant by it. The Peers in opposition overlooked the political distinctions of the times, and were glad to lose sight of party in the promotion of a measure, the necessary end and effect of which must have been the exaltation of their own rank and authority in the Constitution. The Lords said, “ this Bill may grow out of the secret policy of Ministers ; it may be a job for them ; but it is so plainly a job for us, that it is our interest to promote and embrace it ;” and thence the Marquis of Buckingham, at that time in opposition, gladly undertook to introduce the Bill, and gave it all the support of his influence and abilities. It was carried in consequence by a high hand in the House of Lords ; but when the Bill came down to the House of Commons, it met with a very different reception. The House felt the insult to themselves, and spurned at a Bill which went to set the other House above its balance in the constitution. The Bill had been rejected in that House by a majority of 269, a number which, his Lordship said, was apt to run in his head. [His Lordship alluded to an incident in his political life.] The House of Commons of that day considered the Bill as an aristocratic measure, and they rejected it with indignation. In the present case, it might be ten, fifteen years, no body could say how long they might be under a Regent. It behoved them therefore to be cautious how they proceeded. Were they sure, that when it should be thought necessary

to take this among other Restrictions off, that they would have the ready concurrence of the other House? That House could do nothing legislatively without the concurrence of the House of Lords, and when the time should come, that the House should find it proper to take off the Restriction in question, and to declare that they thought it no longer necessary, the House of Lords might say, “ We beg your pardon, we think it is. We are too wise to part with what you were so unwise as not to withhold. We will not submit to be governed by the fancies of the House of Commons; we are aware of your capricious and changeable temper, but we do not move *arbitrio popularis auræ*. You once thought these Restrictions necessary, we think them necessary still, we are aware of the value of what we have obtained, and it rests with us to judge when it will be most fit to return it.” Let Gentlemen therefore seriously consider of the future difficulty they might create by abridging the Royal Prerogative in so essential a particular, and if they were determined to impose the Restriction on the Regent, let them at least limit its duration, and put it out of the power of the other House to continue it in force after the time when it might appear no longer necessary to remain. His Lordship hinted, that it might be proper to date the existence of the Restriction from the 16th of January, and limit its duration to any future day that to the wisdom of the Committee might seem proper.

The third Proposition, his Lordship said, was for preventing the Regent from granting Patent Places, Offices for Life, in Reversion, &c. a Proposition which he must oppose in the terms in which the Right Hon. Gentleman had conceived it. These sort of places, like the honours of the Peerage, were the proper rewards of merit, and such as the Regent, generally speaking, ought not to be restrained from granting. If any number of offices, which before the first of November were only offices held during pleasure, should by the Regent be converted into offices for life, or in reversion, his Lordship said, he should admit that such a power ought not to be exercised, because it would be a great diminution of the power of the Crown, which ought not to find itself in a worse state than it was in before his Majesty's illness commenced, and no principle could establish that without contradicting the Con-

stitution. But no man could say that the same objection could be applied to the power of making Peers, because, if the Regent were allowed to exercise that Prerogative, it would not in the smallest degree diminish the power of his Majesty to exercise the same authority, when he should be capable of re-assuming the reins of Government.

His Lordship said, he would pass on to the fourth Resolution, which, if he understood it rightly, went only to restrain the Regent from interfering with such acquisitions of wealth or estate, as from savings, or by any other means his Majesty might have made personally, since his accession to the Throne. With regard to these, undoubtedly the Regent ought not to meddle with them; but the real property of the Crown was, in his consideration, the property of the public, lodged in the hands of the King for the public benefit. All property of the other description his Majesty might devise and dispose of by will, in like manner as any private Gentleman could dispose of his unentailed private fortune.

The last Resolution was undoubtedly well worthy a serious and deliberate discussion, because it went to the disposal of a number of places in his Majesty's Household, amounting to a vast deal of money out of the Civil List. For the disposal of places of this description to be submitted to the trust of any other person than the King himself, or the immediate Representative of the Crown, or for the exercise of so great a power deducible out of the Civil List revenues to be separated from the other regal authorities, appeared to him to be an unconstitutional, an unprecedented, and a monstrous proposition. The Right Hon. Gentleman had said, that a great part of the expences of his Majesty's Household was under the pay or controul of the Master of the Horse, the Lord Chamberlain, and the Lord Steward, and that therefore their remaining undisturbed in office was actually necessary to the regularity of the Royal Household during the continuance of his Majesty's illness, and that his Majesty's feelings might be much hurt, when, upon his recovery, he should find, that during his unfortunate infirmity, his subjects had changed his Household, and removed his domestics. His Lordship said, he did not wish to deprive his Majesty of his property, nor of his domestics; but could no other way be devised, by which proper attention could be paid to the King, with-

without this vast patronage being vested in any other hands than those of the Regent? The Right Hon. Gentleman had declared, he found it a difficult thing to settle the interior of his Majesty's Household, without giving the controul of it to the high and respectable character, to whom the care of the Royal Person was (and undoubtedly in his opinion) to be entrusted; and yet the Right Hon. Gentleman had found a way for the two Houses of Parliament to pass a law without the King, or a third Estate; and that he must take leave to say was a much more difficult thing. The Right Hon. Gentleman had that day also proposed to make a Regent, and to expect from him the duty and responsibility of a King, while he withheld from him the unrestrained exercise of the Royal Authority. Was it possible then for the Right Hon. Gentleman to feel any embarrassment in the disposal of the Grooms of the Bedchamber? This reminded him of the extraordinary powers of an extraordinary order of beings, of whom they had all heard when they were young. His Lordship said, he alluded to witches, and the potent faculties that were attributed to them. They were supposed to be capable of riding through the air on broomsticks, of blasting the most fertile fields, of destroying corn and cattle, and of persecuting their enemies, and killing people at a distance by a thousand ways, and yet great and præternatural as the power of these witches was pretended to be, he had been told when a boy, that all their efforts were vain, and all their arts defeated, by the simple circumstance of two straws being put across each other. Do this and the power of the witch was at an end. Could not, therefore, the Right Hon. Gentleman get over his difficulty? Could he pass laws without a third Estate? Could he form a pageant, and invest it with the Royal Authority; Could he appoint a Regent and despoil him of regal power? Could he make a King and no King? and yet was the provision for dispensing with the patronage of appointing the Grooms of the Bedchamber, so difficult, so arduous, so insurmountable, that his invention, his power, his ingenuity, all left him, and he was forced to confess himself incapable? His Lordship said, he was persuaded, if the Right Hon. Gentleman would deem it worthy his endeavours, he would easily surmount this lesser difficulty, after having got over difficulties, that to his understanding appeared to have been so much

more formidable. The Right Hon. Gentleman, he observed, had told them, that the Lords of the Bedchamber were formerly intimately connected with the interior of the King's Household, and in the strict sense of the words, domestics of the Sovereign. This might have been the case in George the Second's time; but they all knew, that Lords of the Bedchamber had been *otherwise* employed of late years. They, as well as the higher household officers, were the political servants of the Crown, not appointed for the domestic comfort of the Sovereign, but for his public pomp, and annexed to his retinue, as a part of the pageantry of the Crown. The Right Hon. Gentleman had assured them, that the Patronage to be withheld from the Regent under this Resolution would not be abused; and had desired his profession, that he would not take part in any factious opposition to the Government of the Regency, might be considered as the test of his future conduct. That the exalted Personage, in whose hands this enormous patronage was to be nominally lodged, would not abuse it, his Lordship said, he was willing to believe; but when he considered, that there was to be a Council to advise her Majesty, he was not quite sure that advice would always be pure and free from the influence of a spirit of factious Opposition. He had not, his Lordship said, that nice gift of sight by which he could tell at the first view of a person's countenance the sincerity of his intentions, but though he had lost his sight, he had not lost his sense of hearing. He had heard the Right Hon. Gentleman's profession of what he desired to be considered as the test of future conduct, but the Committee well knew, it was not parliamentary to rely on the professions of an individual; when a great public measure was under consideration, they ought to govern themselves by public principles, and not by personal confidence.

His Lordship remonstrated against withholding so great a part of the Prerogative of the Crown from the person who was best entitled to expect to be entrusted with the exercise of the Royal Authority during the incapacity of the Sovereign. The Right Hon. Gentleman had denied, that there existed a right in the Heir Apparent to assume the exercise of the Royal Authority, but they had all heard it was admitted to be such an irresistible claim, as could not be rejected without injustice and without violence.

What

What was it then to which his Royal Highness had such an irresistible claim, that he could not be deprived of but by reasons strong enough to justify a Bill of Exclusion? It could be no new Constitution; it was a claim, he supposed, to something that had existed before. It was not a right to sustain a burthen, to submit to the performance of all the duties, without enjoying all the prerogatives of a King. No restrictions ought therefore to be imposed on the Regent; but if any Restrictions were adopted, they ought to be dated from the 16th of January, and be confined to a limited duration. He conjured the Committee to have recourse to their constitutional ideas, and if, during the temporary suspension of the King's personal capacity to exercise the Royal Authority, it was their duty to provide for that defect in the Constitution, let them be governed by the necessity of the case, and not exceed its limits. Let them provide, that the people should have a good government: and when they had done that, they would have done all that they owed to themselves, to the people, and so good a Sovereign as his Majesty: to do more would be a most dangerous experiment. During the continuance of that melancholy malady, with which the King was afflicted, and the bare recollection of which made every man's heart bleed, the people had a right to expect that they should be well governed. Let it not be said, then, that for fear the Regent should change a Ministry, they were willing to change the Constitution. Let them not be captivated with every light and airy fancy of political speculatists, but let them adhere to what they knew from experience to be solid and secure. If they adopted the project suggested by the Right Hon. Gentleman, they would act contrary to the practice of their ancestors, and contrary to the principles of the Constitution. His Lordship said, there was no institution of their ancestors, which might not be changed on the suggestion of wanton caprice and loose fancy, if they once gave way, upon so great a point. If they were prevailed on, there was nothing safe, since upon the same principle that they were now called upon to sacrifice what had been for above a century found agreeable to the wishes and taste of the people, they might be desired to alter every institution, the most useful and the most salutary. Let them learn to dread the change of their Constitution, from the mischiefs that had followed

lowed from such a circumstance in other countries. Spain owed the loss of her Constitution to the complaisance of the *Cortes* ; had not their fatal pliability taken place, Spain would have remained free. The foundation was also laid for the ruin of the liberties of Rome by innovating upon her Constitution. They all knew that Rome owed her freedom and greatness to being under the government of persons annually elected to office, and her victories to short commands. When war was made, or peace proclaimed in the best times of the Commonwealth, it was done by the Consul or Pro-Consul, who headed the Roman armies and conducted them to the field ; but when great men came in fashion, they did all themselves ; thus, when Sertorius was in rebellion against the Republic in Spain, and Mithridates in arms in Asia, the Mediterranean infested with pirates, and Rome threatened with a scarcity of corn, Lucullus was recalled, and Pompey invested with the command, and with the conduct of the war ; nothing would at that time go down with the Roman people but Pompey ; Pompey, it was true, subdued Sertorius, reduced Mithridates, scattered the Pirates, and brought grain to Rome, but by the Commonwealth's departure from the established principles of the Roman Constitution, the Constitution of Rome was undermined. Short commands were abolished, Cæsar was put at the head of the legions for five years, and his command was prolonged for five years more. Cæsar was undoubtedly a General, but this relaxation of the laws in his favour, and similar acts of complaisance to other great men, put an end to the liberties of the Republic, and gave Rome a master. His Lordship declared, he trembled for his country if the Resolutions were adopted. If they thought any advantage could repay the violation of the Constitution, and acted upon that principle, that principle would be their ruin. He should not, he said, himself probably live to see the fatal effects that might follow, but his posterity would, and there were Gentlemen, who sat there, that might one day repent, in the bitterness of affliction, the wreck of public freedom, that would follow in consequence of the liberty they had that day suffered to be taken with the landmarks of the Constitution !

Lord Belgrave.

Lord *Belgrave* rose after Lord North, to assert that vesting all the Royal Prerogatives in the Regent would be to trust too much power

power in one person's hands during the life-time of the Sovereign. He reasoned a good deal on the Report then upon the Table, and upon the competition that had been set up between the skill of Dr. Warren and Dr. Willis. He said, he would not follow the example of others, *e converso*, and say, that Dr. Warren was an improper or a dangerous man to be about his Majesty, because he thought Dr. Willis was not an improper nor a dangerous person to be so employed. He would not take upon him to decide upon the comparative merits of the Physicians, but he was persuaded that if any unprejudiced man were carefully to peruse the Report, he would pronounce the result of it to be, that the probability of his Majesty's recovery was declared to be increased since the preceding examination of the Physicians who attended him. Lord Belgrave said, the Queen was universally beloved and adored; and that the whole of her conduct during his Majesty's illness, had been so exemplary tender and affectionate, that it must encrease the veneration and regard which all ranks of people entertained for her. His Lordship strenuously maintained the political integrity of the King's character, and said, if that were taken away, or considered as suspended, the Constitution would be highly endangered. He urged the propriety of securing the Rights of the Crown, and not trusting them to the hazard of events. He professed a sincere esteem for the Prince of Wales and declared, he had an implicit confidence in the virtues of his Royal Highness, but in a case like the present, when they were establishing a precedent, and providing an example, as it were, for posterity, they could not proceed with too much caution. There might hereafter exist an Heir Apparent, who, equally deaf to the ties of nature, and regardless of the interests of the people, might connect himself with a desperate faction, and forgetting what was due to his own character, and his exalted station, might afford the nation a melancholy prospect of what they were to expect when he came into power. God forbid, he said, that such a one should exist! but as the transactions of the times would doubtless form an important æra in our history, it was their duty to guard against the possible danger of the Regent being surrounded by ill-advisers, and his mind warped by the councils of an unprincipled faction, who had once already made a violent attack on the constitution
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of their country. His Lordship passed the highest encomiums on the Chancellor of the Exchequer, observing, that when the just and lawful Prerogatives of the Crown were in danger, his Right Honourable Friend had manfully stood forth to defend them; and on the recent occasion of the personal exercise of the Royal Authority being suspended, when the liberties of the people were threatened by a declaration of a Right in the Heir Apparent to assume the exercise of the Royal Authority (a right that they had resolved could exist constitutionally only in the person to whom that and the other House of Parliament should delegate it) his Right Honourable Friend had, with equal spirit, denied the existence of the Right asserted to exist in the Heir Apparent, and after putting the assertion and denial at issue, had obtained a parliamentary declaration in favour of the people. His Lordship wrought up his panegyric to a Climax; repeated his profession of love and respect for the Prince of Wales, and for the Constitution of the country; and after a quotation from the Orations of Demosthenes, concluded with declaring, that he should vote for the Resolutions, as he highly approved of the system which they tended to establish.

Mr. Sheridan.

Mr. *Sheridan* began a most pointed, ingenious, witty, and powerfully argumentative speech, with declaring that he meant not to copy the example of the noble Lord; he rose neither to congratulate the Majority, nor condole with the Minority, on any former vote of that House, which the noble Lord had extolled as an act of spirit; if the assertion were true, and the fact was, that the Vote the House had last come to, had been an act of *Spirit*, he hoped they would now proceed to an act of *Justice*. He declared he meant not, like the noble Lord, to treat the House with a quotation, whether taken from any Greek, Roman, or English writer; neither did he mean to shew his partiality to his friends by any elaborate encomium on their merits. The noble Lord, however, had misapplied the line he had quoted from Demosthenes, who had meant to reproach the Athenians for wasting that time, which they should have spent in effectually opposing their enemy, in fruitless enquiries and examinations of Physicians, from the wish of learning an unfavourable opinion of his health; he hoped that was not a very applicable case on the present occasion, and that

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the enquiries had not been carried on with that view. He would not, he said, go much at large into the Report then upon the Table, though he could not pass by the representations the Right Hon. Gentleman had made of the answers and opinions of the Physicians; the Right Hon. Gentleman had said, that the Physicians had *all* agreed that his Majesty's cure was probable, that he was better, and that there were, more or less, signs of his recovery. That he positively denied; the Right Hon. Gentleman had not quoted the Report, and he would not do it, but he asserted, that the Physicians did not all of them state that there were signs of his Majesty's recovery. Dr. Willis, indeed, did state it, and there was something of the same sort said by Sir Lucas Pepys; but the other Physicians declared the express contrary to be their opinion. Mr. Sheridan took notice of the manner in which the Chancellor of the Exchequer had spoken of Dr. Warren, and charged him with having indirectly endeavoured to attack Dr. Warren's character; the noble Lord who spoke last had, also, he said, followed the Right Hon. Gentleman's example, and in a way peculiarly injurious insinuated to the prejudice of Dr. Warren. On occasions like the present, Mr. Sheridan said, it was ridiculous to stand upon idle ceremonies and trifling etiquettes; he would speak out and say, that if there was a witness who appeared to give prevaricating and evasive answers, that witness was Dr. Willis. In order to see whether he was right or wrong in this assertion, let Gentlemen look fairly to the Reports, and then decide. The Right Hon. Gentleman, when talking of the endeavours to puzzle and mislead Dr. Willis, and perplex the simplicity and plainness of his nature, he had looked towards him as if he meant to allude to his cross-examination of that Physician in the Committee above stairs. He knew not that it was either parliamentary or proper to make what passed in Select Committees above stairs, the subject of allusion in that House; but if the minutes of the Committee were before the House, they would see, that he had cross-examined Dr. Willis with a view to put his credibility to the test, in consequence of a Learned Friend of the Right Honourable Gentleman, then in his place, having cross-examined Dr. Warren, expressly, as he had himself declared, for the purpose of impeaching Dr. Warren's credibility. He argued the different answers given by Dr. Willis

at different times, and charged them with various contradictions. When he heard Dr. Willis at one time asserting that the accounts sent to St. James's did not convey a true state of his Majesty's health, but were considered by him as prescriptions for the public to swallow, and when at another he heard him admit them to be statements of facts, and found from the examination of the other Physicians, that no such conversation had passed as Dr. Willis had stated to have passed, was he not necessarily staggered, and inclined to think Dr. Willis a loose and random speaker? When he heard Dr. Willis attribute his Majesty's illness to seven-and-twenty years of extreme study, abstinence, and labour, and declare that his Majesty was recovering, assigning as a reason, that the physic he had that day given him, had produced the desired effect; what must he think of Dr. Willis, when he heard him assert that his physic could in one day overcome the effects of seven-and-twenty years hard exercise, seven-and-twenty years study, and seven-and-twenty years abstinence, it was impossible for him to keep the gravity fit for the subject. Such assertions put him in mind of those nostrums that were to cure this and that; *and also disappointments in love and long sea voyages.* He did not, Mr. Sheridan said, impute Dr. Willis's answers to any intention to deceive, but when he heard him roundly declare what every other of his Majesty's Physicians pronounced it impossible to speak to, he must assert that Dr. Willis was a very hasty decider, and a random speaker. Having dismissed this part of his argument, Mr. Sheridan proceeded to animadvert on other parts of the Right Honourable Gentleman's speech, and declared he did not wonder that in speaking of one person whom the Right Honourable Gentleman had thought fit to introduce, he chose to appeal to the feelings, rather than the judgment of the House. The manner in which the Right Hon. Gentleman had mentioned her Majesty appeared to him to be with a design to challenge and provoke a discussion of the conduct of the Queen; but he trusted, whatever had been the Right Honourable Gentleman's motives, it would be disappointed. The dutiful conduct and domestic virtues of that Royal Person never had been called in question; he hoped, therefore, they should avoid the discussion, as a matter equally unnecessary and indecent, and when the Right Honourable Gentleman talked of delicacy

delicacy on the subject, he wished him to reflect on his own conduct in the Committee. Those who would give responsibility to the Queen, those who would take her out of that private and domestic station, in which she had conducted herself so amiably and irreproachably, were, Mr. Sheridan said, the persons who manifested a want of delicacy, and a want of attention, to the character and comfort of the Royal person in question. With regard to the feeble preference to the Prince's Claim, which the Right Hon. Gentleman had admitted, it appeared from the Right Honourable Gentleman's conduct, as if his concurrence with it was extorted from him by the opinion of the public. The plain question was, what were the motives that induced the Right Hon. Gentleman to refuse the full powers of the Crown to the person who was to act as its representative? What, but an intention to tie up the hands of Ministers at a time when they would be most in need of unrestrained authority. It would not, he believed be denied, that a Government by a Regent must necessarily be more weak than a Government carried on by the Crown itself, and that, consequently, it required every possible degree of additional aid and assistance; but, by the line proposed, it was signified to all foreign Powers, that they were divided among themselves, and that there did not exist that harmony of heart and unanimity so necessary, to exist at that crisis. The Right Honourable Gentleman had resorted to precedents in support of his arguments of that day, but the whole line of precedents he meant to follow made directly against the inference he meant to draw from it. By the mode the Right Hon. Gentleman had adopted, the balance of the Crown was destroyed, and as far as the balance of the Constitution was concerned, that was destroyed also. Did the Regency Bills, referred to by the Right Hon. Gentleman, proceed upon the supposition that the minor could never be of age? Most certainly they did not, nor were the powers of the Prerogative withheld. They were all given, not into the hands of one person indeed, but into the hands of many. Mr. Sheridan stated, that at that time (in the reign of George the Second) the Prince of Wales was thirteen, and he was by the Regency Bill declared to be of full age at eighteen, and the King was at that time alive and in good health. He reasoned upon these facts, and shewed that the ut-

most time the Prince could in that case have been a minor, was five years, and that the probability was, that he would have remained so when he came to the Crown more than two or three years. Towards the latter end of the Right Honourable Gentleman's speech, he said the true motive of the Right Honourable Gentleman's conduct had manifested itself; he had on a former day adverted to it, but not that day, except in that part of his speech to which he then alluded, and that was his belief that the Regent would change the Administration, and that the Government would fall into the hands of those whom the Right Hon. Gentleman had dared to assert, had been convicted of a confederacy to overturn the Constitution. That was the real spring of all the Right Hon. Gentleman's Measures respecting the Regency. If the present Ministers had been intended to have been kept, the limitations, he verily believed, would never have been heard of. The whole of the Right Honourable Gentleman's conduct was confessedly governed by party considerations, and by the impulse of his own personal ambition. The Right Hon. Gentleman talked of the evil advisers the Regent might possibly have about him; was there, in fact, any real cause to dread such a circumstance? If that were the case, might he not ask, with the Hon. Gentleman near him, (Mr. Powys) was there not vigour enough left in that House to crush any attempts of abuse of authority, to call bad Ministers to a severe account, and to address the Regent to remove them from his Councils? The Right Hon. Gentleman had more than once wantonly attacked that side of the House as containing a political party; he made no scruple to declare, that he thought it the glory and honour of his life to belong to that party; he who knew the character of that party, knew that it was an honour any man might covet, to belong to it. Was it a disgrace to have been formed under the Marquis of Rockingham, and under his banners to have combated on behalf of the people with success? Was it a disgrace to be connected, with the Duke of Portland, a nobleman, who swayed by no mean motives of interest, nor influenced by any ambitious designs to grasp at power, nor with a view to any other purpose than the welfare of the Country, dedicated his mornings unremittingly to the promotion of the public good? Mr. Sheridan spoke also of his Right Hon. Friend near him, as

an individual, whom no man knew without immediately becoming astonished at the extent of his mind and the keenness of his understanding, enamoured with his virtues, and attached to him from principle. He said, it was the pride and glory of his life to enjoy the happiness and honour of his friendship, and asked if the Duke of Portland and Mr. Fox, were the less worthy of the confidence of their country, or more unfit to be Ministers, because an arrogant individual chose presumptuously to load them with calumny. Were he an independant man, standing aloof from party, and wholly unconnected with it, he could not with patience hear the Right Hon. Gentleman's insulting language; but as a party man, boasting himself to be one, how did the Right Hon. Gentleman imagine he should receive his reflections but with that scorn and disdain which became a man conscious of the worth and value of those with whom he was connected? He reminded the Right Hon. Gentleman that after that confederacy, whom he had so grossly calumniated, had, among other of their iniquitous proceedings, passed their India Bill; and after they had formed their Coalition, that Right Honourable Gentleman was ready enough to have joined the confederacy, and a treaty, as the House well knew, had been then set on foot, but the negociation was not concluded. He declared he did not believe the Right Hon. Gentleman was in earnest, he would not injure him so much as to believe him to be in earnest, when he talked of the damages to be dreaded from the evil advisers of the Regent as to the abuse of the exercise of the powers of creating Peers. Mr. Sheridan commented on the Chancellor of the Exchequer's argument on the subject of creating Peers with some pleasantry, declaring he had never before heard that the commerce of the country had swelled to such a pitch, that therefore it became necessary to add to the number of the Peerage, and that another reason was the prevention of a faction in the House of Lords against the Crown. The Right Hon. Gentleman had, he said, made no less than forty-eight Peers in the five years that he had been the Minister, and that yet he had never heard of any faction having been likely to have taken place in that branch of the Legislature. After putting this pointedly, Mr. Sheridan took notice of the Right Hon. Gentle-

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man's having said, he desired it to be considered as a test of his future conduct, and not as a profession, when he declared that he would not oppose the measures of his successors in office, he desired the House to remark the manner in which that test had been worded, viz. that the Right Honourable Gentleman would not oppose any just or good measures of the new Ministry, which measures were *hereafter to be discussed*. Mr. Sheridan said, the declaration called to his mind a similar one of the Right Honourable Gentleman on a former occasion, which the Right Honourable Gentleman had not adhered to. He declared he believed the Right Honourable Gentleman was sincere in his intention, though he had not what Dr. Willis had declared *he* possessed, the gift of seeing the hearts by looking at men's countenances. He remembered the Doctor at first told the Committee, "that he could thus see the heart of any man whether he was sick or not," a declaration that had appeared particularly to have alarmed the Right Hon. Gentleman; that out of the question, however, it was not parliamentary to trust to any Gentleman's professions, especially where the grounds of faithfully adhering to those professions were expressly left hereafter to be disputed. He reprobated the idea of reserving the patronage of the Royal Household, and mentioned the Right Honourable Gentleman's having charged his Right Hon. Friend, (when on a former occasion he quitted office) with having left a fortress behind him. The charge was true; he admitted that his Right Hon. Friend had done so; but then like a coarse, clumsy workman, he had built his plan in open day, and retired with his friends, who served without pay, though their services had been long continued. Not so the Right Hon. Gentleman over the way; like a more crafty mason he had collected his materials with greater caution, and worked them up with abundantly more art. Perhaps he had taken the advice of the noble Duke, famous for fortifications, and with the aid of that able engineer, had provided a corps of royal military artificers, and thrown up impregnable ramparts to secure himself and his garrison. Mr. Sheridan was extremely sportive in this part of his speech, and talked of the King's arms flying as a banner on the top of this fortress, and the powerful effect of the Right Hon. Gentleman's thundering eloquence from without, and the

the support of the Royal artificers from within, against his political adversaries. He seriously reprobated the person, whoever it might be, that had advised her Majesty to lend her name to such a proposition as that then made to the Committee; and declared, that, take away the one ground of suspicion of the bad advisers of the Regent, and the Right Hon. Gentleman had not produced a single argument in support of his system. He described the power that the Ex-minister would derive from retaining the patronage of the King's household, and contended, that the pretext that his Majesty's feelings would be shocked, when he recovered and found his household changed, was ridiculous; he said, the bad advisers of the Regent were to be allowed the power of making War, Peace, Treaties, &c. &c. and the exercise of various other important authorities. To talk, therefore, of his Majesty's feelings, when he should recover and find his household changed, was to suppose that he would be less shocked to learn that the Constitution of his Country was changed, part of his dominions ceded to foreign Powers, and other essential and important calamities and disgraces entailed on his country; which was like a man who having been entrusted with the mansion-house of a person (during his incapacity) to take care of, should suffer it to go to ruin, and the winds of Heaven to blow through almost every part of it, the enclosures to be broken down, the flocks of sheep to be shorn and exposed to the storms, and all left to ruin and decay, except a few looking-glasses and old worthless gilt lumber that were locked up in an old fashioned drawing-room. He described the Ex-minister coming down to the House in state, with the Cap of Liberty on the end of a white staff, a retinue of black and white sticks attending him, and an army of Beef-eaters (whom the Master of the Horse, the Lord Steward, and Lord Chamberlain were to be employed in marshalling) to clear his way through the Lobby. He said, he had lately heard much of the political capacity of a King, but had never heard that the political capacity of a Lord of the Bedchamber was so inseparably connected with his body natural, that if the former were extinct, the latter could not, without difficulty, be found, when his Majesty should recover and call back his household officers. He observed, that Ministers were desirous of making it a condition with the Regent that they were to have

no claim upon him, provided the red book remained as it stood at present; let the Court Kalendar continue unaltered, and the Prince of Wales might be Regent. Having put this pointedly, Mr. Sheridan spoke again of the Minister's pretended regard for his Majesty's feelings, and asked the Right Hon. Gentleman whether he thought his Majesty would not be hurt, when, upon his returning reason he should know in what manner his sons, the Heir Apparent, and the Duke of York, as well as the other Royal Dukes, had been treated by Ministers during his illness, especially after the gracious declarations they had all heard of in another place. He observed, that the Right Hon. Gentleman had admitted the Restrictions to be evils, and had discussed them chiefly on the grounds of expediency; he combated them on that ground, and in the course of his argument, declared, he fully admitted the doctrine of the Lawyers, that the political capacity of the Monarch was whole and entire; but that he must contend they were acting in direct opposition to that principle, and to what had originally made it a principle in our Constitution. He said he had no occasion to reason upon the question, it was enough to state his arguments; they were so evident, that they needed only to be heard to be admitted as if they were proved. Mr. Sheridan concluded with declaring, that when it should be known by the public, that the motive for such Restrictions was no other than because the Prince was going to have another set of men than those now in office, they would despise and detest the cunning and the craft that dictated such a crooked and miserable proceeding!

Mr. Grenville.

Mr. Grenville (the Speaker) rose, and spoke as follows: I have not hitherto troubled the House in any of the debates connected with this important subject. And certainly, if this were any common question, arising in the usual course of government, or relating to the ordinary and accustomed business of Parliament, I should have felt, that under the circumstances of that situation to which the partiality of the House has so recently called me, it would have been proper for me, however decided my opinion might be, rather to content myself with giving a silent vote, than to obtrude myself at this time upon the attention of the Committee. But I could not avoid feeling, that the nature of the present discussion is widely different from those which I have stated.

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It arises from no common occurrence, but from a situation awful and calamitous in itself, and which is rendered more arduous from the circumstance of its being nearly unprecedented in the history of our country. It relates to no ordinary business, but to the exercise of the most important right even of a British House of Commons, to the discharge of the most sacred trust that can be delegated even to the Representatives of this great and free people. Our decision upon it involves every consideration that is most interesting to our feelings as honest and conscientious men; the present happiness and good government of our country; the security for the continuance of these blessings to ourselves; and the preservation of the dearest rights and interests of our posterity. Under these circumstances, the more I have considered this subject, and the more the delays which have recently occurred have given me an opportunity of revolving it over and over again, anxiously and fearfully in my own mind, the more I am convinced that this is an occasion which calls for the avowal of every man's opinion: and that with respect to myself individually, the situation in which the House has done me the honour to place me, as it has not deprived me of the right, cannot therefore have discharged me from the duty of delivering my sentiments in this Committee, and upon this question.

I shall, therefore, not trouble you with any farther preface, but proceed to state the opinion which I entertain with respect to the Resolutions now proposed, and to explain the principles from which that opinion is derived, and the arguments on which it rests.

In all our deliberations on this subject, the first ground and foundation to be established is, the nature of our present situation, as it results from that calamity, from which alone the necessity of these proceedings has arisen. It is unnecessary for that purpose to recapitulate the particulars which have appeared in the course of our enquiries. The recital would, I am sure, be painful, not to my own feelings only, but also to the feelings of those to whom I speak. It is sufficient to say, that the result of those enquiries appears to have established three Propositions. First, The actual inability of his Majesty to attend to the discharge of the several duties of his exalted station. Secondly, The probability of his Ma-

jeſty's recovery ; and Thirdly, The hope that this event, to which we all look with earneſt and anxious expectation, is near at hand, and that his Majeſty's diſorder may probably not be of long duration. The two firſt of theſe propoſitions, are eſtabliſhed by the direct and concurrent teſtimony given by all the phyſicians, as often as they have been examined. With reſpect to the third, we have, indeed, no ſuch direct evidence, becauſe theſe gentlemen have felt a natural reluctance to commit their characters by any precise opinion on ſuch a point. But they have ſtated to us facts, from which we are enabled to draw the ſame concluſion. with reſpect to the third queſtion, which they have themſelves eſtabliſhed, as reſulting from ſimilar premiſes with reſpect to the ſecond. They have told us, that the greater number of perſons afflicted with this malady have recovered, and that they conclude from thence, that the probability is in favour of his Majeſty's recovery. They have alſo told us, that the greater number have recovered within a ſhort period, and that there are no particular ſymptoms in his Majeſty's caſe which indicate a longer continuance of his diſorder. Applying, therefore, theſe facts, as ſtated by themſelves, to their own mode of reaſoning upon them, we are certainly warranted in drawing the ſame concluſion, that, although the time of the recovery, as well as the recovery itſelf, is in the hands of God alone, yet, that as far as human experience has enabled us to judge, the duration of this calamity will probably not be extended to any diſtant period.

In this ſituation, we have thought it neceſſary in the firſt inſtance to make an authentic and formal declaration of the circumſtance of his Majeſty's preſent inability to attend to public buſineſs. The next queſtion which would naturally ariſe in the mind of every man was this ; whether any provision had been made by the laws of our country for the caſe of ſuch inability ; or if not, in whom, by the ſpirit and principles of the Conſtitution, the power was veſted of providing for this new and unforeſeen emergency ? On this point the wiſdom of Parliament has alſo ſpoken. It is, therefore, unneceſſary now to refer to any former diſcuſſions in which it may have been involved ; and certainly no argument of mine can add weight to the joint Reſolutions of the Lords and Commons of Great Britain on ſuch a queſtion. But in ſpeaking
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for the first time upon this subject, I feel myself bound to declare, that I subscribe to those resolutions, not only with the submission which is due to an authoritative decision, but also with the most unqualified assent, with the most entire and perfect conviction. I conceive it to be among the first principles of the British Constitution, that no rights can be claimed or exercised as against the people, except those only which have been given by known and positive laws appearing on the face of our statute book, or proved by immemorial and uninterrupted usage; and that whatever power or authority has not been so conferred, still resides with the people at large, to be exercised by them through the channel of their lawful, full, and free representatives.

These preliminaries being thus established, the nature of our situation clearly ascertained, and our right and duty to provide for this occasion examined and asserted, with the general concurrence and approbation of our country, it now remains for us to enter upon the discharge of this great and important trust. There is, nevertheless, one question which may still arise, and which, however it may appear to be precluded by the resolutions to which we have already agreed, does yet, in one view of the subject, come under our consideration this day, as a point entire and untouched. It is now declared, that this and the other House are alone to provide for any emergency of this nature, and are to make such provision for it as the exigency of the case itself shall appear to us to require. Are we then left at liberty in this particular case to act according to our own free discretion, adhering only to the rules of justice, and to the general principles of the Constitution? or is our conduct in any degree prescribed, restrained, or limited, by the positive regulations of any existing law? An idea has been suggested to the public, that although the two Houses of Parliament constitute the only power competent to act on this occasion, yet that the sphere of their action is confined within a very narrow limit. That they can lawfully proceed no farther than to call some person to the exercise of the Royal Authority, and that whatever other provisions the existing circumstances may require, must be made hereafter with the consent of such person then representing the Sovereign, and exercising, at his own discretion, the legislative functions of the Crown.

In support of this proposition, the statute of the 13th of Charles II. cap. 1. has been quoted, by which it is enacted, that any person who maintains that the two Houses of Parliament have any legislative authority without the King, shall incur all the penalties of a premunire. This act has been much referred to on the present occasion, both as declaratory of the ancient Constitution, and as a law still in force, and consequently binding upon our conduct. It is therefore material to consider it with attention, because if its operation be really such as has been stated, every discussion of restrictions or limitations is in the present moment premature, and may hereafter become useless and nugatory.

For my own part, I have no scruple to confess that I am not at all moved by the authority of this statute, which I consider as wholly inapplicable to our present situation. No one can doubt, that in the ordinary course of Government, the principle of that act is binding upon us, as the very foundation and corner stone of the British Constitution. When the throne of these kingdoms is full, and when the King is personally capable of discharging the duties of his station, *his* express concurrence is unquestionably necessary to every act of legislative power. But on such an occasion as the present, it appears to me, that the very same necessity by which we are compelled to act at all, extends itself to the manner in which we are to act, superseding both the letter of this statute, and the principle on which it is founded.

I certainly had the honour to concur entirely, not only with the general principle on which we have asserted the right of the two Houses to provide for this emergency, but also with the grounds on which we resolved that the proper mode of making such provision would be, by determining on the means by which the Royal assent may be given in Parliament to a bill for establishing the Regency. In every step which we take under our present circumstances, it is, in my opinion, extremely material that we should adhere, as far as possible, to the established forms of that Constitution, the very forms of which are dear to the hearts of Englishmen. And in this particular instance I conceive, that the signification of the Royal assent, by the great seal, being that organ through which the authority of the Crown speaks in the most solemn and authentic manner, is not a point of form only, but follows as a necessary consequence from so

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most important principles of the Constitution, which could not be neglected without great and manifest danger. But looking to the *substance* of the duty which we are now called to perform, I can have no difficulty to declare explicitly, that in providing for this emergency, I conceive that the two Houses of Parliament must in reality act in a legislative capacity, in so far, and in so far only, as the necessity of the case requires: that it would be idle and nugatory for us, in the situation in which we now stand, to be afraid of words, or not to look to the true sense and meaning of those measures which we are obliged to take; and that no distinction can, on any just principle, be maintained between acts of Legislation, properly so called, and those proceedings which have always been adopted in cases of a necessity at all similar to the present.

If, indeed, there were any force in the objection which has thus been raised, it must apply equally to every step that can be taken, and the only inference that could be drawn from it, would be, that we were now in a situation for which no remedy could by any possibility be provided. We have already declared, that we acknowledge no right existing in any person, however exalted his rank may be, to act in this instance on the King's behalf, except under the authority of Parliament. And if it be true, that no act which is substantially and really of a legislative nature can be performed, even in such a case as the present, by the Lords and Commons of Great Britain alone, it is impossible that we can cure this defect by appointing some person, who deriving his authority from us, shall exercise the Royal functions in the place of the Sovereign; for whatever form we may adopt, would it not, in truth, be directly and plainly an act of legislation to declare, that the force of laws shall henceforth be given, and the obedience of the subject be duly paid, not to acts of Parliament passed by King, Lords, and Commons, but to bills passed by the two Houses, and assented to by a Regent, having no authority to give such assent except what he derives from our proceedings? In any case, therefore, this statute, if it applies at all to the present circumstances, must prevent the possibility of any legal provision being made for this situation.—Whether we attempt, by one Act of Legislation, to provide for this emergency by ourselves, without the personal inter-

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vention of the Sovereign, or whether, by another Act of Legislation, we authorize some person to supply the place of the King, and to proceed in concurrence with us, the statute is equally opposed as a bar to our proceedings, and no alternative remains, but that of an immediate and total dissolution of the Government.

On this ground alone I should contend, that such a principle of law cannot exist as applicable to these circumstances. And I should urge in support of this position the opinions of those writers whose names are the first in legal weight and authority—particularly that of Sir William Blackstone; who tells us expressly, in arguing on a point immediately connected with this subject, that “the necessity of the case supercedes all law.”

But I must also desire that this question may be examined upon the example and practice of our ancestors in two distinguished instances; the one occurring at the very period of passing this statute which I have before referred to; the other within no very long term of years subsequent to it. At the Restoration, the first step which was taken for re-establishing the British Constitution was, to declare by a solemn resolution, that the only legal Government of these kingdoms resided in the King, Lords, and Commons. Yet immediately after this declaration had been made by both Houses, and after they had recognized their true and lawful Sovereign, they proceeded in his absence to the exercise of several functions, both of legislative and of executive Government; not certainly as intending to supercede the authority of their King, whom they had so recently acknowledged; but because they felt it their duty, both to him and to their country, to perform whatever acts were necessary to prepare the way for his return. Such was the conduct of the very same Houses of Parliament who, within a few months afterwards, passed, in concurrence with the King, the act in question, declaratory of a principle which is now alledged as precluding us from the free consideration of the measures necessary in our present situation. I cannot but think that we shall best expound this law by adhering to the construction of those by whom it was made; and that we are at liberty to exercise, as they did, our best discretion and judgment in the behalf of our country, under the circumstances of a necessity, at least as strong as that under which they acted.

At the memorable æra of the Revolution, this statute was still in full force and vigour, not considered as an obsolete law, but as one passed not many years before, and founded on the experience of misfortunes still fresh in the recollection of the nation. But if the Convention Parliament had then admitted its operation, as applying to the circumstances under which they met, it must have stopped their deliberations in the very outset, and must have raised an insuperable obstacle to those measures to which alone we are indebted for the preservation of our Rights. Or even if they had thought themselves at liberty to declare the forfeiture of their Sovereign as an existing fact, arising from no act of theirs, but from his misconduct, let it be considered what, under the letter of that statute, must have been their subsequent proceedings? They must have acknowledged that the Crown had thereupon immediately descended to the next heir of King James; and that without the sanction and concurrence of their new Sovereign no measure could legally be taken by the two Houses of Parliament. Instead of this, they felt themselves warranted by the necessity of the case, first to set aside the abdicated king; next, to disinherit his son, whether real or pretended, the illegitimacy of whose birth, however strongly asserted, had not only not been proved, but was not even inquired into by them; and lastly, in the settlement of the Government to introduce a new order of succession, disregarding the strict line of descent, even in the persons of the two next Protestant Heirs. What is there which can be a more direct or manifest exercise of legislative authority than each of these several steps? The transferring by law the obedience of a whole people from the Sovereign to whom they had sworn allegiance—the superseding his immediate heirs, on whom the right to that allegiance descended according to the fundamental institutions of the monarchy—the changing the established order of succession to the throne in the existing circumstances—and the imposing new conditions and limitations on the subsequent descent of an hereditary crown.—This whole transaction, productive of such happy consequences, appears to me to be unquestionably not only an act of legislation, but an act of the highest legislative authority—Justified by the necessity of the times, and, therefore, supported

ported by the concurrence and approbation of the best and wisest men, to whom we owe the preservation of our liberties.

It appears, therefore, on a full consideration of this part of the subject, that the statute in question, and the principle which it declares, have no reference to an occasion like the present. That no other consequence could result from them, if applied to such a case as this, but an immediate dissolution of the whole frame of government; and that for this reason they were not considered as obstacles to the proceedings of Parliament, either at the Restoration by the very persons who passed the law itself, or at the Revolution by those illustrious men, who then placed our Constitution on those foundations on which it is now established.

Another argument has, however, been urged against our proceeding to provide a remedy by our own authority to the whole extent of what the present emergency may be thought to require. An apprehension has been stated, that such a claim might be extended in present beyond the necessity of our situation, or might hereafter be used against the Sovereign himself, and to the subversion of our happy Constitution. To this it might be answered, in the first place, that no just argument can be drawn from the possible abuse of any power, against the right to use it in a regular manner, or to apply it to the illegitimate purpose for which it was given. Such a mode of reasoning would go at once to sap the foundations of all authority, and to destroy with one blow all the most beneficial institutions of human wisdom.—A tyrannical King, and a corrupted Parliament, might use their power of legislation for the purpose of annihilating every trace of our laws and liberties. But shall we, therefore, say, that by the British Constitution the power of Legislation does not reside in the King, Lords, and Commons? Or, if not, how is it more reasonable to argue against the existence of a right in the two Houses to provide, when necessity requires it, for the security and welfare of their country, because they might, in a different situation, act in a manner prejudicial to these important interests?

There is, however, another answer applying more immediately to the particular question which we are now discussing.—The principle which the two Houses of Parliament maintain, and have declared

declared by their joint resolutions, is this; that our right to act in this instance in a legislative capacity, being created by the necessity of the case alone, is also limited by that necessity.—

Whenever the same necessity shall hereafter arise, we shall have no reason to fear any evil consequences from the exercise of the same right. Whenever the right shall be claimed without the existence of such necessity, or whenever its exercise shall be pressed beyond the occasion which requires it, the claim will not only be unsupported by these proceedings, but will be in direct contradiction to the express principle on which we rest our conduct. Let it, therefore, be remembered, in discussing this question, that it is not by adhering to the line which we have laid down for ourselves, that we shall give just ground for such apprehensions as have been stated; but that it is by departing from it, by exceeding the limits of the necessity which creates our right to act, and by conferring powers beyond the warrant of that occasion, by which alone we can be justified in delegating to another any portion of the constitutional authority of the Sovereign.

The only remaining objection to the present proceedings of the two Houses arises from comparing them with the particular measures adopted at the periods which I have already mentioned; and from shewing that they differ from these, and especially in this respect, that no consideration of limitations or restrictions on the Regal power was entered into by Parliament, previous either to the Restoration of Charles the Second, or to the Act which placed King William on the throne of England. It seems to me that this ground of argument is entirely removed by the application of the principle which I have just stated, and which is essential to every part of this subject. The separate interference of Parliament in those cases could with propriety be carried no farther than the bounds of that necessity in which it originated; and whatever difference exists between those proceedings, and our present measures, arises entirely from the different circumstances for which we are now bound to provide.

At the period of the Restoration the necessity under which our ancestors acted, required no more than this only, that they should acknowledge on the behalf of their country the just title of their lawful Sovereign, and that they should prepare the way for his immediate

mediate return, to take upon him the administration and government of his kingdoms. Their measures were therefore confined to these objects, to provide for a period of a few weeks at farthest, which might elapse before the arrival of their Sovereign, and to remove those obstacles to his return which had been created by the preceding usurpation. They might naturally feel, that it would afterwards be a fit subject for Parliament to consider what provisions were best calculated to remove the grounds of former jealousies between the Sovereign and his people. But these questions were wisely postponed till after the Restoration of the Monarchy itself. Justice required that the King should be replaced in the full possession of that authority of which he had been unlawfully deprived; and every motive of sound policy made it desirable, that the re-establishment of the ancient form of government should not be delayed, nor the favourable moment neglected, which, if it had been suffered to pass away, might perhaps never have returned.

We are next to consider what was the situation and conduct of Parliament at the æra of the Revolution. And it is the more necessary to do this with accuracy, because that enthusiasm which every Englishman so justly feels at the recollection of this event, appears to have induced some considerate and reasoning men to wish that we should not only adopt the leading principles of that transaction,—principles to which we cannot too often recur—but that we should also adhere to the exact forms of those proceedings, in points in which they appear to me by no means to apply to the circumstances of the present case. With this view it has been proposed to us, not as a duty resulting from any principle of law, (in which light I have already considered it) but as a point of expediency, that we should copy the precedent of the Revolution by addressing the Prince of Wales to take upon him the exercise of the Royal Authority; and that we should then proceed with his concurrence and assent to the establishment of such limitations as the circumstances may appear to require. But in order to see how clearly this example is inapplicable to the present case, we have only to examine what was the nature of that necessity under which our ancestors were compelled to act at that memorable period. They were to supply the vacancy of the Throne, occasioned by the forfeiture of a Sovereign
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who had violated the fundamental laws, and had laboured to subvert the Constitution and Religion of his kingdom. They were to provide for the immediate administration of the Government which he had abdicated, and which would otherwise have fallen into utter and irretrievable confusion. But they had another and a more important duty, which they owed to themselves and to their posterity, and in the discharge of which they hazarded every consideration of personal interest, and personal safety. The preservation of our Laws, Religion, and Liberties had rendered it necessary for them to drive their Sovereign into exile.—A still stronger necessity required that they should effectually provide against the revival of that inauspicious system which he had pursued; and that they should establish their new Government on such a firm and solid foundation, that he might never afterwards be in a situation to re-assume his authority, to revenge himself on those who had stood forward to oppose his tyranny, and to seize some more favourable opportunity for destroying the Constitution and overthrowing the Religion of the country. Under such circumstances as these, there was but one step that could be taken with propriety or safety.—To place the Crown immediately, with all its full power, prerogative, and authority, on the head of the Prince of Orange, the only person who could, by the wisdom of his councils and the vigour of his arms, defend the nation against any attempts, whether originating at home or abroad, to restore the former Sovereign to the exercise of an authority which he had so justly forfeited.

If we compare these transactions with our present situation, we shall see that they have but one point in common; namely, the right and duty of the Lords and Commons to provide legislatively for those cases where the concurrence of the three branches of the Legislature cannot by possibility be obtained. But that with respect to the particular circumstances of this day, the necessity which compels us to act, and by which our mode of acting must be regulated, has no relation to that which existed at the Restoration, and is in every material circumstance opposed to that of the Revolution.

The duty which is now incumbent upon us is not, as in the first case, that of putting a King into the immediate possession of an authority which has devolved upon him by the course of inheritance,

ritance, and the limits of which are clearly ascertained by the existing laws ; but it is that of creating a new and delegated trust, to be exercised for a temporary purpose, and to be vested in an office unknown to the Constitution of the country.

Nor are we, as in the other case, called upon to supply a vacancy in the Throne, by the election of a Sovereign, or to preserve our laws and liberties by placing the sceptre in those hands most likely to maintain it against its former possessor.—We are to consider by what person, in what form, and with what degree of authority it may be proper that the government of this country should be administered, during the continuance of the indisposition of our Sovereign, and how it may be restored to him without delay or difficulty immediately upon the happy event of his recovery. In deliberating upon this subject, we should always bear in mind, that the Throne is not vacant, but full ; that it is filled by a Monarch whose virtues have justly endeared him to his people ; and whose speedy restoration to his health is not only the end to which all our wishes and prayers are directed, but is also an object of rational and well-founded hope.—Instead, therefore, of hastening as at the Revolution to create, and to strengthen a power which may effectually prevent his re-assuming the Government, we are bound by every consideration of allegiance to him, and of concern for our country, to adopt a line precisely the reverse of this. We are bound to consider well the nature of our situation and the consequences of our conduct, and to weigh the effects of every separate step we take, before we can feel ourselves at liberty to give into other hands any portion of the supreme and sovereign authority of these kingdoms.

It is, indeed, an arduous and awful duty, which is imposed upon us by this calamity. The guardianship of the rights of our Sovereign, the care and preservation of his just prerogatives, have, under the affecting circumstances of the present moment, devolved upon the Representatives of his faithful people. We should certainly not be unmindful of this sacred trust, even if we were animated only by our feelings towards him, to whom we are bound not only by the ties of duty and allegiance, but also by those of national attachment and national gratitude. But if we wanted an additional inducement to the discharge of such a duty,

it would arise from this consideration, that we cannot in this instance be wanting to our Sovereign, without being in the same degree wanting to the most essential interests of our constituents and our country. We are attached, and we have infinite reason to be so, to that part of the British Constitution, by which the Crown of these kingdoms is declared to be hereditary. The mischiefs of a contrary form of government are so universally known and acknowledged, that it would be unpardonable to waste the time of the Committee, by dwelling on such a topic.—But let it be remembered, that every argument which can be used in favour of hereditary monarchy, applies with greater force to the maintenance of this proposition, which is essentially a part of the same principle, that during the life of the Sovereign he cannot, except by his own misconduct, be divested of his constitutional authority. All the confusion, discord, and anarchy, which are inseparable from the institutions of an elective kingdom, would unquestionably be found to exist in a still greater degree, if there could be supposed a country where the Sovereign was liable, by reason of any temporary disability, to be removed from his exalted situation, and to make way for the appointment of his successor. And it is well worthy of our consideration, that the more strongly we recognize the right of inheritance to the Crown in the event of a demise, the more essential it becomes to guard with the utmost jealousy against the admission of any principle which leads to the assertion of such a right when there is no demise, and against the adoption of any measure which might afford the means of superceding the King's authority during his life, under the name and influence of that person on whom his Crown would in the course of nature legally devolve.

In touching upon this part of the subject, however strongly I may feel and express the necessity of providing the fullest security for the permanent authority of the King, I trust I shall not be considered as casting any imputation upon the character of his Royal Highness the Prince of Wales. I think myself bound to argue this question upon very different grounds. If there is any one circumstance which serves above all others, as a land-mark, to distinguish, and at the same time to maintain the boundaries between a free and an arbitrary government, it is this; that in

despotic countries, whatever complaints are made against existing grievances, whatever precautions are suggested against the repetition of former evils, whatever securities are desired against the further progress of oppression, are considered as so many personal reflections on the character of the Prince, in whom resides the whole power and authority of the country. In these kingdoms we have established it as a principle of our Constitution, that the first executive Magistrate has no personal share in the misconduct of his government—And it is not only our right as Englishmen to discuss these points in a manner distinct from any consideration of the character of the Sovereign, but as Members of this House it is made our duty so to do, by the positive laws and institutions of Parliament. I shall, therefore, not enter here into any panegyric on his Royal Highness, because it would be foreign from the view which I entertain of the present subject, and because I think that in this Committee it would be extremely misplaced. I must, on the other hand, desire it to be understood, that the dangers against which I think it necessary to guard, and the precautions which I wish to be adopted for that purpose, have no personal reference to his Royal Highness; but are grounded on this supposition, on which we have always proceeded with respect to our Sovereigns themselves, that they may by possibility be misled by the councils of men who may abuse their confidence. And I am sure it must be felt, that unless we are at liberty so to argue, we shall have sacrificed to empty compliments all the most important functions of Parliament, both now and hereafter.

Thinking it, therefore, unnecessary to dwell any longer on this point, I wish to recal the attention of the Committee to the principle which I have already stated.—That it is an essential and indispensable part of our duty in the present circumstances, at the same time that we establish a form of government capable of conducting the public business with energy and effect, to provide a complete and ample security for enabling his Majesty, whenever it shall please God to restore him to his health, to re-assume the exercise of his authority fully, freely, and without embarrassment. Our Ancestors have acted on the ground of a similar duty in the case of every Regency which has hitherto existed in this country, as far as we can trace them with any degree of accuracy, either in
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the records of Parliament, or in the annals of our history. For, if we except the two instances of Richard the Third, and of the Protector Somerset, (which are both such evident usurpations that no stress can be laid upon them,) it will be found, that during the course of many centuries, no subject in these realms, however nearly allied to the person of the King, has been permitted in any case of infancy, or disability, to exercise the whole prerogative and authority of the Crown. The mode of restriction has, indeed, for the most part, been different from that which is now proposed; but the principle has been the same: that in the establishment of a Regency, it is necessary not to look exclusively to the strength and efficacy of the intermediate and temporary government, but to consult at the same time, the permanent interest and security of the King, in whose name and on whose behalf the authority so given is intended to be exercised. There is no distinction on which it can be argued, that this principle, which has been uniformly adopted in the case of the minority of the Sovereign, is less applicable to the circumstances under which we are now placed. Perhaps it would not be difficult to assign some reasons for thinking that it applies with much greater force to the present case, and that in the consideration of the measures now to be adopted, it might with propriety be carried a great deal further than in any former instance. But without entering into this, which might lead to an unnecessary discussion, it is sufficient to have established, that the principle of limiting the power of a Regency, with a view to the future security of the Sovereign, has been felt and acted upon in every case which has hitherto occurred, and is almost coeval with the constitution of the Monarchy itself.

I have, however, already admitted that the mode in which this has been done, has usually been different from that which is now proposed. The whole powers of the Crown have, for the most part, been called into action, though I believe it might be shewn that this has not always been the case; but they have not been given to any one subject: they have been divided among a variety of persons, differing in rank, situation, and description, and whose jarring interests have been thought to afford the best security, that they would not concur in measures prejudicial to the authority of the Sovereign. And with respect to this point, which relates not

to the principle, but to the manner, of limitation, it certainly becomes our duty to proceed with a more than ordinary degree of deliberation, caution, and doubt, when we are desired to depart from the authority not only of a remote antiquity, but even of recent precedents, established by persons eminent for their integrity and wisdom.—For my own part, however, though wishing to speak with all the respect which I owe to those precedents, I cannot but say, that I have very serious doubts whether the two last Regency Bills were well adapted to the circumstances of the times in which they passed. But this at least I may assert with greater confidence, because I know I am supported in it by the general opinion of this House and of the Country, that in the present case, the establishment of such a form as is there provided, would have been productive of infinite mischief, without being compensated by any one real advantage. We are, I believe, all agreed, that the government of these kingdoms should, during this unhappy interval, be committed to the administration of one person, and that it is extremely desirable that this person should be his Royal Highness the Prince of Wales. But if by general consent we depart in this respect from the practice of our Ancestors, it surely cannot be reasonable to argue, that we are, therefore, bound to adhere to it in another point so intimately connected with the former. It cannot be a just conclusion to say, that because they committed the whole authority of a King into the hands of a Regent, controuled and fettered by a fixed and permanent council, it is proper for us to delegate the same power to a single person, unrestrained by any similar check. It seems, on the contrary, that the more widely we depart from one line of limitation and restraint, the more we are bound to look to some other mode of carrying the same purpose into effect; unless indeed we reject, as useless and improper, the whole principle of providing a security for the rights which are hereafter to be exercised by the Sovereign himself, in the happy event of his recovery.

Those who hold that principle to be founded both in wisdom and in justice, must make their option between the two propositions, of a Regent controuled in the exercise, or limited in the extent of his authority. Of these I have no doubt in saying, that the latter is infinitely more agreeable to the true spirit of the British Constitution.

tution.—That whatever degree of political authority is fit, under any given circumstances, to be exercised for the purposes of executive government, should be exercised by a single person; and that wherever any just ground of danger is found to exist, it should be guarded against, if possible, by limiting the extent of the power so exercised, rather than by dividing amongst many what cannot with propriety be entrusted to one. Such is the principle on which Parliament has proceeded, at different periods, to diminish the influence of the Crown itself; not holding it necessary, as a general proposition, that the same degree of power or influence should at all times belong to the executive government; but thinking it their duty to consider and regulate this point according to the fluctuation of the various circumstances by which it has been affected. In this manner the Household of the King has within these few years been regulated by the authority of Parliament; and in proportion as circumstances appeared to require it, the number of placemen sitting in this House, and the influence of the officers of government in elections, has at different times been restrained by our interference. The application of the same principle to our actual situation is much stronger, and I am satisfied in my own mind, that it affords not only the most constitutional, but also the most advantageous mode of providing that security, which in the present case is of indispensable necessity.

It is by no means a just conclusion, either from the theory or practice of the British Constitution, or from any general principles of Government, that the same powers which may be entrusted with propriety to the permanent authority of a King, are equally fit to be committed to those hands which are to exercise the temporary and delegated functions of a Regent. The provisions which respect the prerogatives of the Crown in this country, are adapted to the ordinary course of an established Government, and are calculated for a long continuance. Because if Parliament were in the constant habit of regulating and directing the exercise of the prerogatives of the Crown, those prerogatives would in fact become the prerogatives, not of the Crown, but of Parliament itself. It is therefore just and prudent that in apportioning these, a due consideration should be had, not of the necessities which exist at any one precise moment, but of those which may be likely to arise

within a considerable compass of time. But in the establishment of a Regency the case is directly the reverse. We are to look not to the general exigencies of Government, but to those occasions which may probably exist during the period for which the system so provided is intended to continue. And as, for this reason, there may frequently be much less ground to justify the grant of particular powers, so on the other hand there will almost always in such a case be infinitely more temptation to abuse them. The permanent interest of a Sovereign will frequently operate as a restraint on him, in those very points where the possessor of a temporary authority, however near to the Crown in prospect or expectation, will feel himself most desirous, and will most strongly be urged by others, to exceed the limits of a just and sound discretion.

It is on this ground that I am induced to think that a just limitation of the Regent's powers will not be injurious to the present welfare and prosperity of the Country, while it is at the same time indispensibly necessary to our future security and happiness. But there is another topic which belongs to this part of the subject, and to which I wish to be permitted to call the particular attention of the Committee, entreating them to give to it that serious consideration which I think it claims from every good citizen. The evils which would arise hereafter, if on the King's recovery we should be found to have neglected the just security of his rights, may perhaps present themselves to the minds of some gentlemen with a less degree of force, in proportion as they may possibly consider them to be more remote. The duty which we owe to the future interests of the King has, however, a strong and immediate bearing upon the happiness, tranquillity, and good government of these kingdoms under the system which is now to be established. The eyes of all Europe are turned to the deliberations of this House. The attention of the people of Great-Britain is more particularly directed towards us, because they feel that we have taken upon ourselves to act for them in this arduous and delicate situation, and to exercise on their behalf the most important of all their privileges. They have admitted and recognized the right which we assert; they look to us for the discharge of the duty, the obligation of which we acknowledge. Let us then, as we value the continuance of this harmony and confidence, be particularly careful that we do
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not overstep the bounds of our authority.—That we give no grounds for imputing to us that we have exceeded the limits of the necessity under which we claim to act; and that we have granted powers which it did not belong to us to delegate. Let us also pay a just regard to those sentiments of dutiful and zealous attachment to their Sovereign with which we know that our Country is animated. Let no breath of suspicion go forth into the world that we have been wanting to the same feelings; that in such a moment as the present we have deserted our duty to the King, or sacrificed to any considerations the sacred trust which his misfortune has imposed upon us.

If unhappily a contrary impression should prevail, what must be its effect upon the minds of a generous and loyal people? I ask not what would be their conduct when the occasion would arise for which we had neglected to provide, but what would be the present security of a system built on such foundations? It is a false and mistaken opinion, that the strength and stability of Government are increased by the exercise of powers inconsistent with the principles of justice, or repugnant to the feelings of mankind. The reverse is true—*Nec unquam satis fida potentia ubi nimia est.*

Sir, I feel the delicacy of this part of the subject, and if I had not also felt its infinite importance, I should have forborne to touch upon it. I trust it will never justly be imputed to me, that I am forward in raising up a spirit among the people to question those measures which have received the sanction of Parliament. But we cannot avoid being sensible that the strongest security for their acquiescence in our proceedings, especially under such circumstances as now exist, is an adherence on our part to the principles of justice, and a conscientious discharge of the duties which are incumbent upon us. If therefore I have felt myself bound to suggest these reflections to the Committee, it is because I feel a jealous concern for the honour and dignity of this House; it is because I feel an anxiety for the preservation of that respect and deference from the people to the decisions of Parliament, which is at all times necessary for the prosperity and glory of this Country, but which in the present moment I do in my conscience believe to be absolutely essential to the maintenance of our internal and domestic tranquillity.

Therefore, Sir, upon all these grounds,—on the full consideration of the extent of that necessity by which we are empowered to act—of the example of our ancestors, whose steps we follow—of our duty to our Sovereign, of whose rights we, and we alone, are the true guardians and protectors—and of our concern for the interests of millions of our fellow-subjects, whose dearest interests are now exclusively committed to our care; I feel myself enabled and called upon to give a decided opinion in favour of a Regency limited with respect to power.

It remains for me to consider the several Restrictions which have been this day proposed. My opinion with respect to these follows so much from the principles which I have already stated, that I should feel it unnecessary to enter into any more particular detail of reasoning concerning them, if I were not desirous, on every part of this important subject, to speak my sentiments distinctly and unequivocally. I agree with the Resolution which restrains the power of creating Peers—and I do it on two separate grounds. First, because I am clear, that during the short period for which we are now providing, no inconvenience whatever can result from the suspension of this branch of the prerogative of the Crown: that there is, for this reason, no necessity for our delegating this power to any other hands; and that we have, therefore, according to the principle on which I have before enlarged, no right to confer it on the Regent. But there is in the second place a more important consideration which applies to this subject. Of all the powers of the Crown, this is the most liable to be abused under a delegated and temporary Government; and it is also that from the abuse of which the most injurious consequences would arise to the permanent interest of the Sovereign. The power to create at discretion a lasting influence on the deliberations of one of the branches of the Legislature, is a prerogative of so high a nature, that nothing but a strong necessity would justify that principle of the Constitution, which has placed it in the hands of the Sovereign himself. As exercised by him, it is, however, subject to this restraint, that the mischiefs attendant on its abuse, operate against the peace and security of that Government, of which the King is not only in actual possession, but which he is to retain for the whole period of his life, and which he can have no interest to
weaken

weaken or embarrass. The case of a Regent is widely different. If we suppose him unhappily to be misled by the councils of men desirous of availing themselves of a short interval of authority, in order to establish for themselves an influence in the State, paramount to that of their Sovereign, what other mode could be so naturally resorted to for this purpose, as the abuse of this particular branch of the prerogative? How could they hope more effectually to secure the continuance of their own power, than by retaining the means, if not of preventing the King's return to the exercise of his authority, at least of embarrassing and thwarting him in every instance in which he might feel it his duty to counteract their views of personal interest or ambition. It may, indeed, be said, that the same restraint which I have before mentioned, as operating on the exercise of this power by the Sovereign himself, does, in some degree, apply to it, even in the hands of a Regent. And this might be true in the case of a Regent whose authority was permanent, or even certain in its duration. But let it be considered, that in the present case, exactly in proportion as the probability of the King's recovery increased, the force of this restraint would gradually be weakened, and the temptation to the abuse would grow more powerful. The persons who advised the Regent would then feel it less likely that the consequences of any misconduct of theirs in this respect, would be injurious to the Government in their own hands, and they might, perhaps, imagine that they had an interest in the mischiefs which it would entail on the subsequent administration of the Sovereign. The consideration, therefore, of the shortness of the interval for which we now provide, serves at once to shew, that no necessity can exist for giving this power; and to afford a great additional weight to the apprehension of danger resulting from it. In the present moment, I can entertain no doubt that the granting it would exceed the limits of our authority, and that even if that were not the case, it would be the duty of Parliament to withhold it on grounds of expediency.

The limitation which would prevent the Regent from anticipating the King's authority by reversions, and from fettering it by the grant of offices for life, is a part of the same principle which has just been stated; and though in its consequences certainly not of equal

equal importance, is nevertheless in my opinion highly necessary to be adopted.

The propriety of the restraint on the disposal of the real and personal property of the King is admitted on all hands, and is founded on the same principle which would be adopted in the case of any other individual in similar circumstances.

The only remaining question is that which relates to the fifth of the Resolutions opened to us in the beginning of this debate. That the care of his Majesty's person should be entrusted to the experienced virtues, to the anxious and long-tried affection of the Queen, is, in my opinion, self-evident on every ground of public duty and of private sentiment, in a case where even private sentiment should not be disregarded. As a point intimately and inseparably connected with the discharge of this interesting trust, the care and superintendence of his Majesty's Household must be invested in the same hands. The only doubt, indeed, which could arise upon this subject would be, whether under the present circumstances, the existing establishment ought to be maintained; but if maintained, it can be put under no other direction than that to which the care of his Majesty's person is entrusted. For that any other authority should be suffered to interfere in points so immediately connected with this duty, and that the domestic uneasiness inseparable from such a system, should be allowed to add to the weight of the severest affliction, is, I am sure, an idea too shocking to be entertained by any of those persons whom I address in this place.

The proposition of reducing the King's establishment in the present moment would, however, as it appears to me, be scarcely less repugnant to the feelings of a generous People. The smallest degree of reflection upon this subject, must render it impossible that we should reconcile our minds to such a step. It will certainly be felt to be inconsistent with the sentiments which we all entertain towards our Sovereign, even if we could be assured that he must always remain unconscious of the disregard which he would thus have experienced from the Representatives of the British nation. But if we carry our eyes farther and look to that happy period to which our wishes and our hopes are turned, what a picture must then present itself! Let us, if we can, imagine what must be his feelings

feelings in such a moment as that, when he is told that his Parliament has availed itself, with eagerness and avidity, even of the shortest interval, to new-model the offices attendant on his person, and by a miserable œconomy, to degrade their Sovereign from those circumstances of splendour which belong to the rank in which he was born, and to the station which he still occupies.

But, Sir, this is not all, though I trust this is infinitely more than sufficient to rouse the feelings of every English heart. We profess in our deliberations here, and we have published it to the Country in our resolutions, that we mean to establish a system which is to continue only during the King's indisposition. If we are sincere in this declaration, we shall be careful to keep alive among the people at large, the impression of that allegiance, which is still due to him, and to him alone. Can we believe that it is consistent with this purpose, to withdraw from him every mark of dignity, every external circumstance by which he is distinguished as an object of respect, and to reduce him in this instance to the same level with every common subject?

We know, and it will not be disputed, that the splendour which attends our Monarchs in the exercise of their authority is not created for an empty pageant; is not given to gratify an idle vanity, which they would be ashamed to feel; but is established for solid reasons of sound policy. It serves to mark and to define that rank in which the Constitution of this country has designed them to stand. It serves to create respect among the people at large, and to impress continually on their minds those sentiments of habitual reverence which are justly due to the higher attributes of Royalty. I mean not certainly to compare these external circumstances with the real and substantial dignity of a King—with the power of administering Justice in Mercy, or with the power of conferring happiness on millions of his fellow-creatures. But if there exists a situation under which our Monarch is for a time unhappily debarred from a personal exercise of these best prerogatives of his station, is it not rather an additional reason for continuing to him the outward forms and ensigns of Sovereignty? I trust and believe, that the sentiments which his virtues have inspired, are so deeply rooted in the hearts of all his subjects, that no length of time that could elapse, no misfortune that could overwhelm him,

no disregard under which he could be suffered to fall, would weaken their attachment, diminish their affection, or repress the ardour of their loyalty. But surely, we shall not feel ourselves at liberty, from these considerations, to neglect the natural and obvious means of preserving in the country a just remembrance of his rights. We must be sensible that every wise motive which before induced us to maintain the splendour and dignity of his exalted rank, has, from the circumstances of his actual situation, acquired an additional and stronger claim to our attention. Even if our present hopes should be disappointed, and if by the continuance of this calamity we should hereafter find ourselves compelled to resort to a new arrangement in this respect; yet let it never be forgotten, neither at this, nor at any other period of his life, that the duty which we are this day to discharge, is not that of electing a King to reign over us in his stead, but that of creating a delegated trust to administer the Government during *his* indisposition, in *his* name, and on *his* behalf.

I have now, Sir, trespassed upon the attention of the House much longer than I have done at any former time, or than I had intended upon this occasion. The nature of the subject, its extent, its consequences, and the deep impression which it has made upon my mind, must be my apology. The question is one of the most interesting that has at any time been agitated within these walls. It is probably the most important that will ever occur during the course of my life.—And sure I am that there will be no moment of it, at which it will not be a satisfaction to me to reflect, that I have discharged this high and sacred duty, faithfully and conscientiously, without respect of persons, or consideration of interest, and looking only to that allegiance which I owe to my Sovereign, and to that concern which is due to the peace, prosperity, and happiness of my country.

Mr. Wel-
bore Ellis.

Mr. *Welbore Ellis* spoke strenuously against the Restrictions, and contended that there was a double responsibility, while the whole of the prerogatives were in the hands of the Regent, whereas withholding any, withheld so much responsibility.

Mr. Drake.

Mr. *Drake* complimented Mr. Sheridan on the fire of his genius, and the power of his eloquence. Mr. Drake ended with a Parliamentary prayer for the Prince of Wales.

Colonel

Colonel *Fullarton* said, he did not mean to enter into the various particulars which had come before the Committee. He rose to speak to two points only ; those points had no connexion, he said, with Lords of the Bedchamber, nor with the examination of Physicians, nor with Philip of Macedon, who seemed so intimate an acquaintance of a noble Lord, (Belgrave) nor with the evidence of Dr. Willis ; they referred solely and directly to the established principles and practice of the Constitution, and, he trusted, would be found of material consequence to the decision of the great question then before the Committee. In the first place, he understood it to be the declared opinion of the Chancellor of the Exchequer, that all the powers and authorities belonging to the Crown, attached as it were to the person of the Sovereign, that they remained entire in the King, although he was incapacitated from the personal exercise of them, and that in contemplation of law, the political capacity of the King continued perfect, and could neither suffer diminution nor defect. Col. Fullarton said, that if by this technical phraseology was meant, that all the powers and authorities of executive Government, remained entire in the person of the King, during his incapacity, in such a way, that he should of *right* exercise the same, as soon, and as long, as he was capable of exercising them personally, and that, while he should not be capable of exercising them personally, they should be exercised *in trust* for him : if that was the meaning of the Right Hon. Gentleman's expressions, no person could be more ready to subscribe to that doctrine than he was ; but if by the contemplation of law, and the political capacity of the King remaining entire, when his faculties were not entire, was meant, that the powers and authorities of executive government might remain dormant, unemployed, unproductive for the public service, as long as the King was incapacitated from the personal exercise of them ; if that was the meaning of the expression, they were doctrines, which in the language of the Right Hon. Gentleman, on another occasion, deserved to be treated as *treason* against the State. Would any man, he said, who pretended to the slightest respect for the Constitution, venture to declare, that the powers and authorities of Government were to be considered as the mere property of the Sovereign ? That they were to be considered, like the Stole, or the Wardrobe,

Col. Fullarton.

Wardrobe, or the Privy Purse, as things meant for the personal use, pleasure, and convenience of the Sovereign; and that when he is incapable of using them personally, they need not be used at all? He asked if gentlemen recollected, that the powers of the Crown were vested in the King, not for the personal benefit of the King, but for the benefit of the State? That there were duties and obligations mutually to be performed between the sovereign and the subject, duties of an *awful magnitude*, involving the welfare and happiness of the people? How then could the Right Honourable Gentleman maintain, that these duties and obligations, in contemplation of law, could possibly remain entire in the person of the King during his incapacity, any other way than this; that when the King was incapacitated from the personal exercise of them, they must be performed in trust for him; that some person or persons, either by devolution or appointment, must perform the duties of the Royal station, and exercise the functions of authority *in trust* for the King during his incapacity; unless the Committee was prepared to declare the Kingly Power, either totally, or in part, useless. Surely, said he, the Right Hon. Gentleman, has too much respect for the principles of the Constitution, too much respect for his own character, to maintain, that the powers and authorities of executive government, that the great and godlike attributes of Majesty were to be considered as a mere appendage, attached to the person of the Royal Individual; to sleep when he sleeps, and only to wake when his faculties cease to lie dormant!! It would be a profanation of the attributes of Majesty; it would be a profanation of the rights and welfare of mankind, to admit of such a doctrine. Colonel Fullarton proceeded next to the consideration of the second point to which he had alluded. After some preliminary remarks, he said, that the Right Hon. Chancellor of the Exchequer had declared it to be the duty of the House, to grant no more power to the Regent than appeared *absolutely necessary* for the public service. The Right Hon. Gentleman seemed to conceive, that every thing which could possibly be withheld from the Representative of the Sovereign, during the King's incapacity, was so much gained to the State. For his own part, the Colonel said, that every portion of the just and established exercise of executive authority, which was so withheld,

held, was so much lost to the State, for whose benefit every portion of authority was held at all. Colonel Fullarton proceeded next to state, that he had ever understood the King of this country, in his legislative capacity, to be Sovereign, and at liberty to act according to his will; but that in his executive capacity, the King was no more than Chief Magistrate, invested with certain powers and authorities, *specified* by the Constitution; and as much bound by those acts which he and his predecessors had ratified, as any the meanest subject in his realm. “ I have ever understood, said Colonel Fullarton, that the Constitution is not safe, unless when the three Estates are kept separate, distinct, and entire. That for one or two of the three Estates, to trench on the powers and privileges of the other, has been considered as a sacrilege committed against the general freedom of the State. That such extreme delicacy has been observed in this particular, that the two Houses of Parliament do not venture to interfere with the executive authority, no not in the most minute particular, excepting by *Address*. That the House of Commons does not even venture, on the executive act of publishing its own Journals, but applies to the executive power to do it for them, and applies by *Address*. If this statement be neither frivolous nor fallacious, the Right Hon. Gentleman will feel it incumbent on him to prove of two things one,—either that to invest the Prince of Wales with all the executive government would prove dangerous to the King, for the resumption of his Royal Power in the event of his recovering his faculties,—or else, that it would prove dangerous and detrimental to the public welfare. With regard to the first of these grounds of apprehension, Colonel Fullarton presumed, that the delicacy, the moderation, the character, and the disposition of his Royal Highness the Prince of Wales, so distinguishingly manifested in the late trying and distressful scenes, would have proved more than a sufficient safeguard against the possibility of such an imputation. I am confident, exclaimed Colonel Fullarton, that the Right Hon. Gentleman cannot entertain any such apprehensions. I will not insult him with the supposition. Or at least if he does, it must be applicable to any possible Prince of Wales, rather than to the present Prince of Wales. With regard to the second ground of apprehension, on which it is necessary for the Right Hon. Gentleman

tleman to rest the justification of those limitations he has proposed; namely, that to invest the Regent with all the powers of executive government, might prove dangerous to the public welfare: Let me ask, said Col. Fullarton, does the Right Hon. Gentleman mean to state, that any of the just and established powers of executive government are superfluous, that they can be spared, that they are dangerous and detrimental? Has he ever found, or acknowledged, during the course of his administration, that they were more than sufficient for the public service? If he answers no, they are neither superfluous nor detrimental; but it is improper to vest them in the hands of the Regent, while acting in trust, during the Sovereign's incapacity; let me ask, with what front can that Hon. Gentleman possibly maintain, that those powers and authorities, which he admits not to be dangerous, not to be superfluous for the public service in the hands of a Sovereign seated on the throne, in the full possession of his faculties, and in the plenitude of his power, can possibly, without egregious detriment to the public service, bear limitation, mutilation, and restraint, in the hands of a Regent, not possessing the stability or influence of permanent authority; holding power as the delegate and substitute of another; holding power by so precarious a tenure, that he may be obliged, on the shortest notice, to restore it into the hands of the Sovereign, for whom, in trust, it was held? Until the Right Hon. Gentleman can solve these difficulties, and reconcile these contradictions, I defy him, said Col. Fullarton, to stir one step in the business of restriction, without involving himself in the uncomfortable imputation of endeavouring to alter, if not to subvert, the constitution, in a very material point of executive government. Surely, said he, the Right Hon. Gentleman does not propose to give us a better Constitution, in matters of executive government? He does not find it necessary to introduce another Declaratory Bill, to explain and amend the Constitution in all possible cases of the Sovereign's incapacity? He does not feel it incumbent on him to make this species of atonement, for extraordinary stretching of the Royal Power during the course of his administration? And surely it would ill become that Right Hon. Gentleman to aim an ungenerous blow at the state and condition of his benefactor; at a moment too that might disarm the bitterest enemy of his

his

of his resentments, and convert malignity itself into tenderness and compassion! The next point the Colonel stated was, that if those considerations were not sufficient to deter from encroaching on the executive authority, it ought to be recollected, that Montesquieu had foretold, that the liberties of England would be in danger, whenever the legislative power should be more corrupt than the executive power; that is, (as Colonel Fullarton said he understood it) whenever the legislative power should, for personal or party considerations, commit violations on the executive authority. He then adverted to violations of the Constitution committed at different periods, and said, that when Henry VIII. procured to his own proclamation the authority of law, the Constitution was undone: again, when Cromwell voted the House of Lords useless, it was a death-blow to the Constitution. And surely now, added the Colonel, I cannot think the Constitution free from danger, when this House has not only declared it to be the right of this House and of the House of Lords, in all possible cases of the Sovereign's incapacity, to choose whom you please for Regent, to elect the Emperor of Morocco, if you please, or to elect a Regent, as the Persians did their King Darius, by the neighing of a horse; but when you are proceeding to declare, that it is the right of this House and of the House of Lords, to withhold any part of the executive power; to suspend all, or any of the functions of authority; to portion out the executive authority in what proportions you please, and to whom you please, there is but one step farther in which it is possible for the House to proceed, and that is, to adopt the wild and desperate notions of some mad republicans in the last century, and to parcel out the powers, authorities, and departments of executive government, among the representatives of the People, among the Members of the House of Commons; or to advertise, as you would for making a turnpike-road, for a person to *contract*, on reasonable terms, for executing the office of Royalty.

Colonel Fullarton, after enlarging on these points, proceeded to consider the subject upon other grounds, and observed, that the Right Hon. Gentleman, in the course of these discussions, had repeatedly resorted to history and precedent, for which reason he would beg leave to imitate the Right Hon. Gentleman's example,

and would quote a passage from history too, by no means as a precedent for the House to follow; but as an example to deter, from committing violations and incroachments on the established Government of a country. In the history of France, in the reign of Charles VI. who was in a state of incapacity, Isabeau de Baviere was his Queen—a Princess attached only to her treasures, influenced by the Chancellor, by the Prime Minister, and other principal Officers of the Court—who were afraid, that if the Government should be entrusted to the Heir Apparent, during the King's incapacity, they would lose their situation. Under this impression, the desperate resolution was formed of insulting the Heir Apparent, almost beyond the limits of endurance; and measures were actually adopted for excluding from the Government that able and distinguished Prince, the sole Heir and Representative of the Sovereign. This Minister, at that time in the chief confidence of Isabeau de Baviere, was Mervilliers, who had commenced his career in the profession of the law, but quickly found a nearer opening to advancement, by the more productive path of politics. This Minister and his party, trusting to his eloquence, trusting to his talents, trusting to his temerity, trusting to his credit with a large portion of the public, and relying also on certain *other circumstances*, adopted the desperate resolution already stated. He undertook to procure the assent of Charles VI. to this unnatural measure. Charles VI. being in a state of total incapacity, and consequently unable to declare his assent, he undertook to procure the co-operation of Isabeau de Baviere, to the exclusion of her own son from the Government, and he farther undertook to procure the thanks and approbation of the Mayor and Corporation of the city of Paris. What is still more extraordinary to relate, he did in fact succeed in this atrocious endeavour. He accomplished a treaty to this effect, the treaty of Arras, preliminary to the famous treaty of Troyes, as recorded in the Register of the Parliament of Paris for the year 1419. By means of the Chancellor, and a *fiction* of the Parliament of Paris, he affixed the Great Seal to Acts which were the consequence of that treaty; and thus he *devised means* for giving the Royal Assent, at a time when the Royal Assent could not possibly be given. He prevailed on Isabeau de Baviere, to ratify that treaty, to the exclusion of her own son from the Government,

vernment, and he was thanked for so doing by the Mayor and Aldermen, and Corporation of the city of Paris! But what were the consequences of these transactions? The consequences were, that the kingdom was involved in all the miseries of a weak, mutilated, and distracted Government. There was a double Government, a double Parliament, a double Cabinet, double Ministers, double Officers of State, and of the Household. The kingdom was betrayed to its enemies, and was afterwards rescued from those disasters, by the superior efforts of that brave and distinguished Prince whom they had excluded from the Government. That Prince, who possessed the most interesting qualities, and the most fascinating manners, who had attached to his cause the noblest spirits, and the best abilities of the country; and afterwards, under the name of Charles the Victorious, rescued his country from the misery and disgrace in which it had been involved by those ambitious Ministers, from the wretched yoke of Henry VI. of England, that unhappy Monarch, whose reign had afforded such abundant subject of quotation, in the course of those Debates. Col. Fullarton apologized for having alluded to any thing so unpopular, as a passage of French history; but the House encouraging him to proceed, he added, that his object had been, to shew the desperate extremities to which the passions of ambitious men might hurry them, and the fatal consequences that had resulted from innovations and violations of the established Government of a country, and he thanked God, that no such example, or any thing like it, could *as yet* be found to stain the annals of England. He had only farther to remark, he said, that the Right Hon. Gentleman had endeavoured, with a peculiar predilection, to shelter his proceedings under the sanction of precedents and analogies of history. "Now, said the Colonel, I will meet the Right Hon. Gentleman on that ground, and in direct contradiction to the uses he has endeavoured to make of precedent and analogy, I will defy that Right Hon. Gentleman to produce a single instance, in the history of England, in the history of France, in the history of Spain, or in the history of any other country, with whose history we are acquainted at all, where the established legal powers of executive Government were maimed, mutilated, and restrained, without producing inefficiency, counteraction, and disgrace."

He said, he was very far from wishing to include in these observations, the necessary precautions which at different periods had been adopted, for preventing the encroachments of the Royal Power, and for preserving the liberty and safety of the subject. But wherever the regular established operations of Government had been maimed, mutilated and restrained; no matter whether it arose from interference of the legislative power, from participation of executive authority, with councils of Regency; from limitations imposed upon the Regent, or from any other cause, wherever it did so happen, inefficiency, counteraction, and disgrace ensued. It was true, he said, that instances had occurred in the English history, where the misfortunes of a weak and restrained Government appeared almost unavoidable—And why? To prevent the still greater calamities of disputed successions, usurpations, and civil wars, naturally to be dreaded in turbulent times, if all the powers of Government were vested in the hands of one man, too nearly connected with the Crown, and possessing too much influence in the country, as in the cases of the Dukes of Bedford and Gloucester, during the minority of Henry the VIth; Richard, Duke of Gloucester, during the minority of Edward the Vth; and Somerset, during the minority of Edward the VIth. In these, and similar instances, the King, Lords and Commons, *in Parliament assembled*, making provision for a long minority, had judged it more expedient to expose the kingdom to the misfortunes of a fettered and imperfect Government, than to the greater calamities alluded to before. But would any reasonable and impartial man, with no such preponderating considerations of danger on his mind, with the history of this country, and the principles and practice of this constitution before his eyes; with a reference to the present circumstances of his Majesty, of the Country, of the Prince of Wales,—the peculiar circumstances of the Prince of Wales,—would any man, not entirely lost to every sentiment of public welfare, under these present circumstances, wish to involve the kingdom in the misfortunes of a weak, mutilated, and degraded Government? The Colonel earnestly intreated the Committee seriously to consider before they adopted so dangerous, so desperate a Resolution.

At one o'clock the strangers were desired to withdraw from the Gallery, and soon after the Committee divided on the Question,

“ That the words proposed to be left out do stand part of this Question.”

Ayes	—	—	—	227
Noes	—	—	—	154

As soon as the second motion was made, “ Not to confer the rank or dignity of a Peerage,” it was moved, by way of Amendment, to insert the words “ for a time to be limited.”

Mr. Fox spoke very ably in support of the Amendment.

Mr. Fox;

After which the Committee divided,

Ayes	—	—	—	159
Noes	—	—	—	216

It was next moved, “ Not to grant any office of reversion, pension, &c. only during his Majesty's pleasure.

“ Not to the granting of any part of his Majesty's real or personal estate, except so far as relates to the renewing of Leases.”

Agreed to.

Monday, January 19.

RESTRICTIONS ON THE REGENT.

The *Chancellor of the Exchequer* moved the reading of the Order of the Day. Mr. Pitt.

Mr. M. A. Taylor begged leave before the Order of the Day was read to observe, that rumours had gone abroad of the Prince of Wales having heard of the Restrictions. The present question was a question of no common moment, but affected every thing dear to Englishmen; it went to the undermining the Constitution and overthrowing the Government of this country. He therefore requested first to be informed, if his Majesty's Minister has had the Resolutions communicated to his Royal Highness the Prince of Wales; and his next question was, whether his Royal Highness had given any answer to such communication; if he had, Mr. Taylor said, he should move, that the Papers be laid before the House,

House, and the Answers to them, previous to their proceeding any farther.

Mr. Pitt. The *Chancellor of the Exchequer* doubted, whether the Hon. Gentleman had any regular grounds to go upon, when he asked if the confidential Servants of the Crown had communicated with the Prince of Wales, upon a subject under discussion in the House of Commons? Or whether he could shew to whom the House could issue orders for the production of such Papers?

Mr. Taylor. Mr. *Taylor* conceived the Right Hon. Gentleman meant to say, that no ground had been laid before that House. He said there could not be any, under the present circumstances. But it is very easy for the House to be put in possession of the sort of information necessary, as there was a Member in that House who must have knowledge of such letters passing, if any had passed. Communications ought to have been made to the Prince; if they had not, the Cabinet had not done their duty; and if they had, he thought it very singular that they were refused to be produced to the House, which ought not to proceed without them.

Mr. Jolliffe. Mr. *Jolliffe* said, the Right Honourable Gentleman owed such a communication to the House, who ought to be acquainted whether the Prince would, or would not, accept the Regency under such and such terms; it was but decent, he said, that the Right Hon. Gentleman should answer explicitly to the House.

Mr. Pitt. The *Chancellor of the Exchequer* said, the Hon. Gentleman (Mr. Jolliffe) had furnished him with a sufficient argument against giving any intimation of the kind. It would certainly be not only very unparliamentary, but nothing could be so presumptuous and improper as to say on what restrictions, or in what manner the Regency would be accepted, at the moment the House was deciding in what manner it should be given.

Mr. Jolliffe. Mr. *Jolliffe*, in his own justification, said, that he conceived it would be deluding the House, if the Right Hon. Gentleman should propose such restrictions upon the Regency for them to adopt, that he knew his Royal Highness would not accept it upon.

The Question on the Order of the Day was then put and agreed to, after which the House resolved itself into a Committee, Brook Watson, Esq; in the Chair.

The *Chancellor of the Exchequer* reminded the Committee, that Mr. Pitt, the Four Resolutions he had proposed on a former night being agreed to, it was necessary for him to venture again to trouble the Committee, by speaking more particularly than he had before done to the fifth Resolution, which he should that day have the honour to propose for their consideration. The foundation he had gone upon for all the measures he had proposed, was, the exigency of the case; they were bound to provide the means for the dispatch of public business, and for the discharge of the executive authority; they were also equally bound to two other objects, the care of the Royal Person of his Majesty, and the preservation of his dignity, which ought to be inseparable from him during his present indisposition. With a view to both, but especially the latter of these points, the last Resolution went. On the first he would but lightly dwell, conceiving that all must agree to the care of his Majesty's person being intrusted to the Queen: he would not, he said, for a moment entertain an opinion that to her guardianship there could exist the least objection; he would not anticipate, because he did not believe, the existence of a difference of opinion on that subject; he therefore thought it unnecessary and difficult to argue, as it appeared to be like arguing a proposition that was self-evident; for under the character, under the virtues, and under the natural feelings of that great and amiable personage, he was confident that there would hardly be a heart in the country, that while it deplored the fatal and melancholy necessity that existed, would not, at the same moment, feel a considerable degree of support and alleviation, in the remembrance that under such guardianship, with so much propriety and safety might be entrusted the care of their Sovereign. He would say no more on that subject, feeling it not respectful to the Committee to argue on a propriety of conduct so self-evident, until he should hear, if it was possible to be heard, an argument against the propriety of delegating such a trust. The next point of the Resolution he should have to offer, and on which he presumed they might differ, was with regard to the powers given to the Queen to discharge such trust on the one hand, and on the other to maintain the dignity of his Majesty's person. The Committee were to remember, that while they were delegating part of the executive authority to be

exercised in the King's name, that they were bound to provide for the safety of their King, that it might appear that they had not forgot that he was still their Sovereign; and that the Representatives of a faithful and loyal people ought not to endeavour to deprive his Majesty, in his present melancholy situation, of that dignity which he enjoyed at the moment of health. On that ground he submitted the principle on which he went, contending that it was necessarily inseparable from her Majesty, in the care to be entrusted to her, to have the whole direction of all about the person of the King; the Lord Steward, the Lord Chamberlain, and the Master of the Horse, could only be considered as the great leading parts of the several divisions of the Household; the only questions then that could arise on the propriety of their being under the direction of the Queen, were, whether the alteration of circumstances made it a fit thing, that any alteration should be made in the expence or duty of such officers, as would render it fit or decent for Parliament, in the present situation of his Majesty, which could be considered but temporary, and which all hoped might be short, to new-model his Household, and render it less suitable to his dignity? and whether the management of his Majesty's domestic affairs should still remain to be carried on through the same hands, as it had for some time been; or whether a new management was to be introduced during the present temporary interval? The noble Lord opposite him, who could not help speaking with ingenuity, and who possessed much real information, but who on a former day had only displayed his ingenuity, and withheld his information, had told them of the ease with which those officers might be separated from the Household; but he had not told them how it was to be executed. He did not contend that it was impossible to be so. He would allow that means might be found to separate those officers from the Household; but he wished to ask this question, Whether it would be decent at such a moment; whether it would become them, thus early, and with the well-grounded hopes of a recovery, to try the experiment how far they might new-model and limit his Majesty's Household?—He maintained, that it was not consistent with the affection of the people, at such an anxious period, to be trying experiments, in order to introduce a new system. [Here a cry of *hear! hear!*] He hoped that the noble Lord,

Lord, and those who so noticed his assertion, would attempt to prove to the Committee, in a manner at least as rational, consistent, and parliamentary, the contrary; but for what he asserted, he appealed not only to the feelings, but to the reason of the Committee. It was an appeal which, the more it was considered, would be found the more to deserve the attention of that House. He wished to ask whether it was expedient to annihilate every appearance of external dignity; whether it was consistent with reason and sound policy, at the moment the Sovereign was incapacitated from exercising his authority, to separate all appearance of sovereignty from him? When these questions should be considered, he could not see how it was possible to deny the propriety of allotting the direction of the Household to her Majesty; or to assert, that the preservation of the external dignity of the King was inconsistent with the duty of the people. The general grounds on which they had heard it objected to, was, that such power being entrusted to her Majesty, would form so large an influence, and so extensive a patronage, as to render it impossible that any Government should be carried on with effect. To that, however, he should reserve himself to speak, when he should hear it more fully explained. He would, nevertheless, speak shortly on the argument upon which this principle turned; it supposed that a degree of political influence would necessarily follow patronage. He admitted, that a degree of political influence likely to be exercised was an evil. He wished, however, to ask those Gentlemen who contended against the power that the proposed establishment might create, whether establishments had not been created much more likely to have been exercised against the executive authority? When Gentlemen recollected that such establishments had been formed, he did not take too much upon himself when he contended, that what had not been denied to branches of the Royal Family, ought not to be denied to the Sovereign himself, while labouring under temporary illness; an argument that reverted to the propriety of continuing to his Majesty his establishment. If Gentlemen disagreed to such a continuance of his Majesty's Household, if they were less regardful of his Majesty's dignity at the present moment than when in health, it would be expected from them to shew their reasons, and state the danger of such patronage as would be obtained by the necessary

powers for a temporary, and, perhaps, a short interval. The argument of the danger of the patronage turned, he said, upon the supposition that those who were now in his Majesty's service would be in opposition to another Administration. If that was offered as an argument against the Restrictions, he denied the truth of it. Suppose, for a moment, and for the sake of argument, that such a conduct was likely to be pursued. A factious opposition, he was bold to say, they never would engage in; he wished not, however, that any man should rest on his assertion, or upon the assertion of any other man; it was public conduct that alone spoke to the people the conduct of public men; he then wished to ask, whether, if they pursued the conduct of a desperate faction or cabal, it was likely that they should meet with support from the people, support equal to that which they had received while in Government? was it likely that such a faction should be supported by the authority of the Country at large? would it not depend on the independent Members of that House, and on the people? Whatever might be the patronage annexed to the powers proposed to be granted to her Majesty, he wished to ask, whether it was likely that the patronage intrusted to such hands would be granted to enable a faction to obstruct with its weight the government of the Regent? Was it likely, if so given, that it could make it predominant to the accumulated patronage of government? Or, was it likely, that the Queen would support a faction, by that means to oppose the wise and prudent measures of the government of her son? Was it likely that his Majesty's Ministers, in the present calamitous and distracted state of affairs, forgetful of their duty to their country, forgetful of their duty to the Constitution, and forgetful of their duty to him whose dearest interest was the welfare of his empire, would neglect the interest of the people to form a factious opposition, in order to obstruct the necessary measures of Government? Could it be supposed that persons standing in such a situation would factiously unite to the injury of a country, to the government of which they might, on his Majesty's recovery, again be called, and the interest of which it had appeared to be, and ever would be, their honour and ambition to advance? He wished again to ask, whether, in the situation in which her Majesty stands, it was likely that she should support such a faction as he had described?

scribed ? It was an idea he did not believe was felt or imagined by any one, and on which he therefore would not dwell any longer. He concluded by saying, that it was due to his Majesty from a loyal people not to destroy that system his Majesty had adopted for the management of his Household—that the Committee ought not to destroy the dignity due to his Majesty, and that the care of his Majesty and the government of the Household ought to be entrusted to the Queen. The Chancellor handed the following Motion to the Chairman,

“ That it is the opinion of this Committee, that the care of
 “ his Majesty’s Royal Person, during the continuance of his pre-
 “ sent illness, be committed to the Queen’s most Excellent Ma-
 “ jesty; and that her Majesty be enabled to exercise the power to
 “ remove, nominate, and appoint to his Majesty’s Household, as
 “ she may see cause, disposing and making all other matters
 “ relating to his Majesty, as she shall think proper; and that to
 “ enable her Majesty the better to execute this trust, a Council be
 “ appointed to advise her Majesty, with powers to examine, from
 “ time to time, the Physicians touching his Majesty’s health.”

Lord *Maitland* rose and said, called upon as he had been, he Lord Mait-
 could not avoid rising to say, that if he had answered the Right land.
 Hon. Gentleman’s argument in any other way, than by the gesture
 or expression that he had betrayed, he should have forgot what was
 due to himself as a Member of that House. After some farther
 warmth, his Lordship said, he was ready to agree with every pa-
 negyric on the virtues of her Majesty; she was universally known
 to be eminently amiable and virtuous, and as such he admired her.
 On her amiable qualities, however, the question did not rest; the
 proposition for maintaining the dignity of his Majesty, he con-
 ceived to be particularly misplaced at the present; it was a dig-
 nity, under his present unfortunate and mortifying circumstances,
 unfit to be bestowed, and could only beget contumely; it was a
 dignity that tended not to make his subjects look up to him with
 reverence, but to make them contemptuous scoffers. If the House
 was not lost to every principle, it could not adopt the Resolution
 proposed. At the instigation of the Right Hon. Gentleman the
 House had agreed, that, in conjunction with the other House,
 they had a right to provide for the deficiency of the executive go-
 vernment;

vernment; a resolution that he had thought wrong, but it had passed, and the Prince was acknowledged as a proper person to fill the situation of Regent; the House considered that he who was interested in the preservation of the empire, because he was to fill the Throne in future, was of course the fittest person to be trusted with the Regency; they had also resolved, on a very good principle, that the Prince being interested, should not be trusted with the care of the Royal Person of the Sovereign; if the Committee should agree to the present Resolution, they would give the lie to their principles. That her Majesty should feel an interest, was natural. She had an interest as a wife, the Prince had an interest as a son. Her Majesty stood under the Resolution in a very different light. He would readily agree, that if her Majesty had no part of the executive power, she would be the fittest person to have the care of his Majesty; but, interested as she was proposed to be by the Resolution, she would be, in his opinion, more interested than the Prince, and possessing such power, be highly improper and inadequate to such trust. Novelty was a fascinating thing to the human mind, and the new possession of power might warp and prejudice the purest bosoms. Independent of that argument, he had, however, a special objection to her Majesty's being intrusted with the King's person, arising out of the Report on the table: they knew what must be her Majesty's anxiety; they all felt her anxious, her virtuous, and her dutiful wishes on the occasion; they felt that that anxiety might lead her to a belief of a too favourable report of the state of her Royal Consort's health; and though such commendable anxiety might redound to her honour, and for which she might be most justly esteemed, it operated against her being solely intrusted with the care of the Sovereign, especially when there were Princes of the Blood in the country, the King's brothers. The Right Hon. Gentleman, on a former night, had spoke of the necessity of continuing about his Majesty his usual attendants; that, however, would not be effected by the present Resolution, for it gave her Majesty the power not only to continue, but to remove. By the Resolution before the Committee, they were going to sever the executive power of the country, and give a great part of it to the Queen without any responsibility. Who was to be the person that was to be responsible? Were they to look to the Queen? No!

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Were they to look to her Council of Advice? No! for they were not a Council of Power. The Queen would be intrusted with a patronage of upwards of 80,000*l.* yearly; such power, he conceived, would in a great measure take away, if not totally annihilate, all responsibility in the Regent's Ministers; it would be creating that monster, hitherto unknown to the Constitution, a fourth Estate in the realm; it would be exercising all that unbounded ambition, all that wished-for patronage, all the unconstitutional attempts charged, but falsely charged, upon his Right Hon. Friend. On the comparison of his Right Hon. Friend's India Bill with the present Proposition, he could dwell with pleasure, but not then; at a moment like the present he conceived it improper to amuse the House with ridicule. If the Right Hon. Gentleman would shew him how the present Motion would facilitate the King's recovery, he would willingly compliment the Right Hon. Gentleman with his vote; he believed that no such reason could be shewn, he believed no reason at all like it could be shewn. Perhaps there were some secret reasons, which those who knew the human heart, might guess, but no mortal could judge of; the Right Hon. Gentleman might have once climbed into power by a contemptible line of politics, and the Right Hon. Gentleman, he saw, had a plan again to wound the constitution of this country, for which reason he would not give him his vote. He had not, he said, the most sanguine hopes of his Majesty's recovery; he had examined the register of the principal hospital for the malady in the kingdom, and had found, that out of 125 received in the course of ten years, there had not more than one in four recovered. When the welfare of his Sovereign, the Prince of Wales, and the House of Hanover came in competition, it was not, he said, easy to assert which weighed most with him. The Committee could not consent to the Resolution without abandoning the principles of the Constitution. His Lordship concluded by declaring, that notwithstanding the Hon. Gentleman's majorities, he was sure he would that day be defeated.

Mr. *Sturt* declared, he was no orator, but when he heard the Mr. *Sturt*. Right Hon. Gentleman, in the course of his speech, call upon that side of the House to know why there was that outcry, he must signify his disapprobation by his voice. [A laugh from the other side.]

side.] Mr. Sturt said, he cared not for their laughing, he loved his country as much as the Right Hon. Gentleman. The Right Hon. Gentleman had boasted of the universal applause of the people, whereas he, residing in London, had been the first to inform his Constituents, the Electors of Bridport, what was going forward in that House. He did not, Mr. Sturt said, quote Demosthenes. When he saw an attempt made to new-model the Constitution, he gave his voice against it; not having the abilities to cope with the Right Hon. Gentleman as an orator.

Mr. M. A.
Taylor.

Mr. *M. A. Taylor* said, there were many more able to speak than he was, but he regarded the present as a violent unconstitutional attempt, and he wished the Constitution to remain entire: the whole executive powers of Government, he had always understood, were given for the benefit of the people, and that power ought to be exercised by the executive officer, the Regent, for the benefit of the people, unmutilated; the Restrictions not only took from the Regent a material part of the executive authority, but vested it in a party. The chief objection against the India Bill of Mr. Fox was, that it created a fourth Estate. Those who should have the care of his Majesty's person, he contended, ought to have no other interest whatever; the power proposed to be given he considered as unknown to the Constitution, and as tending to cripple the new Government, and fettering the Prince, who ought to lie under no restriction whatever.

Sir John
Swinburne.

Sir *John Swinburne* spoke for the first time in Parliament, and said, in the arguments to be advanced on the Question before the House, a certain degree of respect was due to her Majesty, and a certain degree of respect was also due to the Heir Apparent, his Royal Highness the Prince of Wales. He considered the present Resolution as improper; it tended to introduce a divided Government, and a Government divided in itself must necessarily be weak; as a noble Lord had quoted Greek, Sir John said, he would quote a few words of Latin, it was *Imperium in Imperio*, which was the character of the Regency, as about to be established. They were going to take out of the hands of the Executive Power the Executive Trust, and give part of it over to those hands which were not responsible, to those who were completely abstracted from all share in the Government, who never were likely to enjoy such power

power on his Majesty's recovery from his present disorder, nor ever ought to be possessed of it. He called upon Lawyers, whether property did not always *descend*, and whether it was ever *ascendible*. Sir John declared, he saw no good end the present Resolution could obtain; on the contrary, it appeared to him calculated to promote nothing but division and anarchy. He conceived, with the powers proposed, it was improper to entrust her Majesty (who, he said, unless prompted to it, was the last person who ought to have stepped forward) with the care of the King's person alone, as she might be misguided by evil Counsellors; for that and other reasons, Sir John declared he should vote against the Resolution.

Mr. *Pulteney* said, if it could be made out that by giving the powers of the Resolution to the Queen, there was any reason that could be advanced of the probability of her concealing the recovery of the King, he should consider such reason a fair argument, and a good objection to the Resolution. He considered no such reason could be well founded; and was of opinion, that it was indispensably necessary that every degree of power over the Household should be given to her Majesty, to enable her to discharge the duties of her trust. The argument against her having such power, went on the supposition that she could forget her duty to her king, her husband, the interest she felt in common with him, in respect to his return to his former state of sovereign power, and the duty and affection she owed to the people; such illiberal suppositions, he was confident, were not well founded—were untrue. Objections had been made to the patronage of the power that was proposed to be given to her Majesty. He wished to ask whether the Throne was so weak, that any person with the power of distributing eighty or a hundred thousand pounds, or the votes of two or three persons in that House, and of the Lords of the Bedchamber in the other, could shake it? The Throne stood on no such grounds, it was far more firmly established; he was old enough to remember the days when it had been resolved that the Influence of the Crown was too great, and ought to be diminished. He voted for that Question, but he did not think the Influence of the Crown sufficiently diminished. Was it so altered at the present moment, that the little patronage of the Household could not be dispensed with? Let the Committee consider the patronage of

of the Army, the patronage of the Navy, of the Customs, of the Excise, and of other offices, which pervaded every corner of the kingdom, and then let them say, if they could, that the patronage of the Household was necessary. The present Question was not, however, on those powers of patronage, it was on a temporary regulation of supplying the present deficiency, and to take care of the safe return of the Sovereign to his Government, whenever he should be restored to his people. He did not agree to any restrictions on the Prince, from any fear of the motives by which he was actuated; he wished only to guard against every possibility of danger. Would any one contend, that in the present situation of Europe, Government could not go on without that sort of influence? He thought the country could be governed easily and properly, if the Ministers of the Regent, whoever they might be, conducted themselves honourably; the people, as they had lately shewn, were always ready to give every honest and just tribute of admiration and applause. Let those Gentlemen who were likely to come into office on the Regency, think what was good for the country and honourable for themselves, when they said that they could not govern without the patronage of the Household, the patronage of every baker and butcher employed by the Royal family! If they acted uprightly, they would stand in need of no such patronage, and the dissolution of Parliament was a remedy in their power, if a faction should arise. He had not been present, he said, when the question of the Right of the two Houses to provide for the deficiency of the Executive authority, and name a Regent, had been agitated, if he had, he would have given his hearty vote in support of that Right, and he would now give his vote as heartily for restrictions. He would not admit of the probability of the Lords forming a cabal against the Regent's Ministers, but was of opinion, that, if such another unconstitutional Bill as the well known India Bill should be again brought in, then it would not be unlikely but such Administration might feel the Bedchamber Lords a very heavy weight against it. He concluded with saying he should vote for the Resolution.

Sir John Swinborne said a few words in explanation.

*Sir James
Johnstone.*

Sir James Johnstone believed it to be high treason to imagine the death of the King, but not of the Queen; he wished to know to whom

whom the guardianship of the King would devolve, on the demise of her Majesty?

Mr. *Bouverie* agreed to the care of the King's person being Mr. Bouverie. entrusted with the Queen, and to the latter part of the Resolution, proposing to appoint her a Council; but objected to the powers proposed to be granted, and moved as an amendment, that the words, "granting the powers, &c." be omitted.

Lord *North* observed, that the Resolutions contained three pro- Lord North. positions perfectly distinct: the first, appointing the care of the Royal Person to the Queen; the second, granting her the power over the Household; and the third, appointing her a Council. These three propositions appeared to him to be totally separate, and he hoped that the Right Hon. Gentleman would agree to their separation, that they might be fairly argued, and freely discussed.

Mr. *Bouverie* rose again; he said he had voted on a former occasion against the power of the Crown; he never had, nor ever Mr. Bouverie. would, however, vote for the division of it.

Mr. *Fox* imagined there would be no objection in the Right Mr. Fox. Hon. Gentleman to separate the Motion, as the ground of difference of opinion was, what the necessary powers to be given to the Regent were?

The *Chancellor of the Exchequer* could not, he said, agree to the Mr. Pitt. separation of the different parts of the Resolution, as he could not agree to the giving in name and in words to her Majesty, the care of the King's person, without, at the same time, giving her the powers necessary to execute such trust. The not dividing the Question, he said, could not be productive of any embarrassment, as those who could not adopt the whole of it, might propose what amendment they thought necessary.

Mr. *Bouverie* again spoke, and the question on his amendment Mr. Bouverie. being put,

Mr. *Grey* said, so far from considering those powers, stated in Mr. Grey, the motion, as necessary to the guardian of the Royal Person, he looked on them as a disqualification. He looked on the Resolution as a measure pregnant with disorder and confusion. He agreed with the Right Honourable Gentleman, that it

was the duty of the Committee to look to the duty they owed themselves, and to the duty they owed to their Sovereign; and in looking to themselves they would reject such an attack upon the Constitution with becoming indignation. In taking care of the Sovereign they were not to neglect the duty to their country, for whose advantage all the power was granted. The Resolution before the Committee was ridiculous. Let him ask the Honourable Gentleman under the Gallery, whether it was likely to secure the Right of the King; it would be weak and ineffectual against an ambitious Prince, who, by possessing the power of the army and navy, might, if he chose to adopt so monstrous a measure, dethrone the Sovereign, in spite of all the restrictions that had been proposed; it was known, however, that the Prince of Wales possessed no arbitrary, no ambitious spirit, and that the Restrictions proposed would operate upon him as checks; checks of such a nature, as to render it impossible for any Administration the Regent might think proper to adopt, to carry on the Government in opposition to them. He wished to ask what power there was necessary for a King, that was not also necessary for a Regent, to carry on the Government? He contended that the same powers of Government were given for the public good, and ought ever to be permanent. Government was in its nature permanent. If his Majesty had the power of creating Peers to counteract a confederacy or cabal in the Lords against his Government, the same necessity might exist on the part of the Regent. The marks of dignity that were proposed to be kept up for his Majesty, he conceived to have been provided for the discharge of the King's offices, not for the gratification of an individual, but as part of the Regal State, and would, consequently, belong to the Regent, who would be the first Magistrate. The dignity proposed to be given to his Majesty, would, in his opinion, be degrading to the King, and insulting to the people. The Right Hon. Gentleman wished to curtail the King's authority, knowing its influence, which he once found necessary to call into action. If the Royal Authority was too considerable to be permitted the exercise of, let it be suspended during his Majesty's indisposition; let it not be divided; the dividing of it would be creating a fourth estate in the realm; there would not only be a

Regency

Regency over the country, but a Regency over the Household, which, if acting against the Government, it could not go on. The Government, undoubtedly, would not be shaken, as had been mentioned by an Hon. Gentleman, by a butcher or a baker; but it might be by a faction that might be created in the Lords, to support measures of the Right Honourable Gentleman, *which must always be virtuous*. He fully agreed with every panegyric on her Majesty; he loved her virtues, and what he loved her for particularly, and what the country loved her for was, that she had never joined any party, any cabal, or interfered in politics, and such a character he did not think her Majesty would be very ready to lose. He agreed to provide against what might happen, and in so providing, provision must be made without respect to persons; the Prince was virtuous, but he might have bad advisers; the Queen was virtuous, but she might have her evil advisers also. An argument against giving the Queen any power was, that he distrusted those who were to be of her Council. He wished to have the intended Counsellors of her Majesty named; he wished gentlemen to consider the patronage they would be possessed of, not less than one fourth of the Civil List! The Constitution said, give power where there is responsibility; the Resolution went to give such power where there was no such responsibility; it appeared to him to be prejudicial to sound policy, to good Government, and the Constitution, and as such he should give his vote against it.

Mr. Dundas said, it had been contended, that it was necessary to Mr. Dundas give all the powers of a King to a Regent, an assertion that he denied. It had been said, that the Right Hon. Gentleman's doctrine on the first day that the subject of a Regency was broached, "that the Heir Apparent had *a Right to assume* the Regency," was a hasty and imprudent assertion. He denied the fact. The Right Honourable Gentleman was not apt to be so imprudent, and it was now to demonstration evident that the assertion of the Right Hon. Gentleman, to which he had just alluded, was purposely laid down as the basis of every proceeding that had since been taken by the other side of the House on the subject. The noble Lord in the blue Ribband, had on the last day they met, lamented that the House had voted the Resolutions of his Right

Honourable Friend; because the noble Lord saw clearly that the present Resolution, as well as the four others, were the necessary consequence of that Resolution. The noble Lord had too much Parliamentary knowledge not to be aware of this, and he had with great judgment complained of the first Resolution. Mr. Dundas said, the Committee were to consider, that it was their duty to provide and invest a Regent with all the powers necessary to carry on a Government of vigour and effect, remembering always that their lawful Sovereign was still alive, and that they owed him allegiance as before his illness. This it was that made it necessary that they should reserve some token of kingly dignity about the Royal Person, and what could they reserve so properly as his Majesty's Household? Mr. Dundas reasoned upon the provision being a mere temporary provision, calculated to continue only for a little time, and if their hopes of the King's recovery should unfortunately be disappointed, the Restrictions would be done away; but surely, in the meantime, as loyal subjects, and as persons attentive to the duty they owed their Sovereign, they would not refuse to pay his Majesty the small degree of attention proposed by the Resolution before them. He denied the probability of her Majesty's abusing the trust reposed in her, declaring that he thought it an idle, an unparliamentary, and an unmanly way to rest any thing said in that House upon personal compliments which no one present either could or would deny; he would not, therefore, rest any part of his argument on the known virtues of the Queen, or of his Royal Highness the Prince of Wales; he believed, that no man would question the many virtues of the one or the good disposition of the other; but he thought, when the affection that naturally subsisted between a mother and a son was considered, the Prince was more likely to enjoy the benefit of the patronage of the Royal Household through the influence of his mother, in addition to the vast and extensive patronage he was otherwise to be invested with as Regent, than any factious opposition or intriguing cabal, that might be set up to counteract, thwart, and embarrass the just and necessary measures of Government, let who would be the Ministers of the Regent. Mr. Dundas justified the appointing the Queen Regent, as the properest person that could be chosen for such a trust. Her natural and known

known affection for her husband, and her interest in common with his own, that he should, as soon as he was recovered, re-assume his Royal Authority, and again sway the Sceptre, and ascend his Throne, all conduced to qualify her beyond any other person for the execution of such a guardianship. Mr. Dundas ridiculed the idea of a Regent, who had so extensive a patronage annexed to his office, seriously having reason to lament the loss of a few black and white sticks. He added a great variety of other arguments in support of the Resolution, and again and again enforced it upon the Committee, that two of the great objects they ought ever to keep before them was, that it was their duty to provide, that the King, in case of his recovery, should not find any difficulty in the way of his resuming his Royal Authority, and that they were only providing a temporary measure, capable of being revised, altered, amended, and entirely done away, whenever Parliament should think proper to re-consider it.

Lord *North* began with saying, that he was so proud of receiving Lord North. the approbation of his Learned and Hon. Friend, that he was always sorry when that approbation was founded on a mistake. When he had spoken on that occasion before, he had not lamented that the House had come to the preliminary Resolution, because that the Resolutions of Restriction *necessarily* followed. He had lamented that a bad precedent was established, but he had never thought it necessary that the establishment of a bad precedent should be followed by the abuse of it. All the mischief which that bad precedent led to, it was their duty to prevent. He still thought of the first Resolutions in the light in which he had stated them to appear to him, when they were introduced; and though he yet felt the regret that they had then impressed him with, he did not consider, much as he had objected to the present Resolution, that it was a necessary consequence resulting from those Preliminary Resolutions. It was certainly a natural consequence, because those who once deviated from the strait path, naturally continued in error. His Lordship said, they had heard from the beginning that the Resolutions were of a temporary nature, and that it was but for a little time that they were to provide for the defect of the personal exercise of the Royal Au-
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thority ;

thority; thus as it was but for a little time, they were expected to sacrifice the Constitution, and persuaded to do without it for a few months, and withhold the necessary powers from the Regent. He declared he did not know any parts of the duties of a King, which it would not be expected from the Regent to perform; why then should any of the Regal Powers be withheld from the Regent? But the Right Honourable Gentleman had said, he would have the powers that were necessary, and had asked, could a black or a white stick be necessary? The duty of the Regent would be to govern a large empire, and every power the Crown found necessary to the discharge of that important duty, the Regent ought to have. Had the Right Hon. Gentleman any rule to judge by, of what was necessary for a King, other than what was necessary for a Regent to enjoy? The India Bill of 1783 had been mentioned, but Gentlemen did not seem to attend to the essential distinction between the India Bill and the present measure. The argument against the India Bill had been, that it would be establishing an *Imperium in Imperio*, and making a fourth Estate. The India Bill was an open and avowed measure, and the period of its duration was four years, the Restrictions imposed on the Regent were for no fixed time. That was for a certain time, this for an uncertain and indefinite period. But an Hon. Gentleman, an old and a worthy Member of Parliament (Mr. Pulteney) had said, that it was necessary for the Lords of the Bedchamber to remain to prevent the India Bill being passed. The Hon. Gentleman was too late in his caution; his suggesting his notable expedient then, was like prescribing physic for a dead patient. The India Bill was no more. That India Bill, which was called a violation of the chartered rights of men, was dead, and another India Bill had been introduced in its room; but that, he was informed, had been totally done away since by a Declaratory Bill, and the Charters of the Company as much violated as they would have been by the India Bill of 1783. The Hon. Gentleman's remedy, therefore, came too late, the contest was over, the battle lost, the charters of the Company gone! But it was said, the Restrictions on the Regent were meant to last but a short time. He hoped to God it would last but a short time.

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That argument reminded him of the defence set up for an unconstitutional measure put in execution some years since, by a most respectable Member of the other House, who was generally supposed to be a friend to the Constitution of his country; he alluded to the embargo laid on the exportation of corn, which had been said to be *only* a forty days tyranny. So in the present case it was supposed that the necessary powers of the Regent were to be taken away for a short time, during which short time the Regent might make a faction, and become so strong, that it would not be in the power of an act of Parliament to resist his ambitious designs. The Honourable Gentleman had told them, they were to look to the time of his Majesty's restoration to his health; he did look to it, and thought when by the blessing of God that happy hour should arrive, the King would find it as easy a matter to resume his Government, as he had found it to exercise any former act of authority, in the whole course of his reign. The Hon. Gentleman supposed, that if that House did withhold the patronage of the household places, there might be a difficulty in restoring his Majesty to his Government, when he should be able to re-assume the exercise of his Royal Authority. When such suppositions were made, he trusted it was for want of argument. The Hon. Gentleman had talked as if it was necessary to leave the Patronage of the household, where it was, in the hands of the King; but if that were really the case, they should leave it in his hands who constitutionally and virtually would be King. The Hon. Gentleman had said, would they introduce a new system into his Majesty's household? If they gave the Patronage of the household to the Queen, and withheld it from the Regent, that would be to introduce a new system, and separate the Patronage of the Crown from the kingly office. He hoped the Hon. Gentleman would allow, that there was something more material in that than he seemed to be aware of. But the Hon. Gentleman had said, his Majesty's mind would be uneasy, when upon his recovery he should find his household changed. Was it reasonable to say, that because during his Majesty's incapacity the offices of the household were disposed of, not to his wish, but according to the ideas of the Prince, that his Majesty would be uneasy? Could it be supposed, that when he could alter it back again, he would

be uneasy? His Lordship declared, he never knew a case before, in which nothing could be said on one side, and every thing on the other. With regard to the Master of the Horse, the Lord Steward, and the Lord Chamberlain, and the Lords of the Bed Chamber, as his Honourable Friend behind him had said, they were useful only for political purposes. Why then ought they not to be employed in political services? The Honourable Gentleman had voted on the Motion some years since, "that the Influence of the Crown had increased, was increasing, and ought to be diminished." He had opposed it, and so had his Honourable and Learned Friend, and yet his Hon. Friend now wanted to diminish it a little more. The power of making Peers, and the patronage of the household were necessary to the Crown as the fountain of honour, and they were equally necessary to the Regent. It was said, would it do the Regent any harm to be without those powers for a little while? In answer to this, he asked, would it do the public any harm to be with them for a little while? The whole turned on "a little while." How did the Honourable Gentleman know the advantage the holding of those powers might be of to the Government of the Regent in the interim? If his Majesty's recovery should be protracted, then it was said, the restrictions would die away. Would they die away because Parliament might abolish them? His Lordship complained of the Motion as complicated and embarrassing. It consisted of three distinct propositions. First, it stated that the person of the King should be entrusted to her Majesty. There, he said, he agreed with the Honourable Gentleman, and, he believed, the House would agree with him. The next Proposition was, that her Majesty was to dispose of the offices of the Household, a patronage consisting of about 400 places in number! The third Proposition proposed that her Majesty should have a Council of Advice. The first and last Propositions might, in his mind, be well supported, although they had not yet been sustained by any argument. His Lordship concluded with declaring, that he should give his vote for the Amendment.

Sir Gregory
Page Turner

Sir Gregory Page Turner spoke of the extreme importance and the extreme delicacy of the subject, when the character of the Prince of Wales on the one hand, and the character of the Queen

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on the other, were brought forward. He said, he knew not how to give his vote in that House, without disputing the merits of either one or the other. He admired the virtues of them both, but he came there as a Member of Parliament, to do his duty upon public principles. He must that night vote differently from the Right Honourable Gentleman at the head of the Exchequer, to whom on a former occasion he had been proud to pay just compliments and encomiums, and those not only to his talents but to his integrity. He respected those talents and that integrity, but the Question was, whether the Prince of Wales was to be appointed Regent or no Regent. There must, he said, be an Administration in the country, but he should contend, that if the King's household was put under the management of the Queen, there would be a double household, and a double Administration; and a double Administration could have no power equal to the carrying on of a vigorous Government. The Right Hon. Gentleman might just as well have said, that the Prince of Wales had no right to bring in his political friends, as that he had no right to the patronage of the Household. But it was said, when his Majesty should recover, his Majesty would be uneasy at seeing new faces around him. He could not but be of a different opinion; his Majesty had been pretty much used to new faces. He said, he alluded to the frequent changes of Administration that had taken place, and he believed, among the rest, the Lord Chamberlain and the Lords of the Bedchamber had been more than once changed. He could not, therefore, agree with the Right Hon. Gentleman in giving his vote for the Resolution as originally moved. Whatever his abilities were, Sir Gregory said, his property rendered him independent, and he always delivered his sincere sentiments according to his conscientious opinion. On those principles he came into that House originally, and he was determined to persevere as he had done hitherto. The Restriction preventing the Regent from making Peers, he said, had prevented the Prince from making Members of the other House of Parliament, though it had permitted him to take away most of their Members. Sir Gregory contended that such Commoners as deserved well of their Country, had a right to look up to the honours of the Peerage, the conferring of which was no expence to the country.

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He declared, he would submit such farther observations as he had to offer upon the subject, when he should have an opportunity of doing so in the House in a future stage of the business.

Sir John
Scott.

The *Solicitor General* (Sir John Scott) began with expressing his satisfaction, that he had not pressed himself upon the Chairman, when he had risen with the Hon. Baronet, who spoke last, as he had thereby avoided depriving the House of the opportunity of hearing a speech, that had, he believed, entertained all who heard it, and afforded pleasure unexpectedly to some. Sir John said, he would comprize what he had to say upon the Resolution in as small a compass as possible. The arguments they had heard that day appeared to him to be of a species, which could hardly have been expected to have been stated in an assembly representing Englishmen, distinguished for their humanity, distinguished for their loyalty, distinguished for their respect and reverence for their Sovereign and his Consort. They might, in that House, use what arguments they thought proper, but the Country would not bear to be told, that having resolved that it was not only their Right to provide for the personal exercise of the Royal Authority during his Majesty's unfortunate incapacity, but that it was their duty also, that they had exercised the Right with a conviction on their own minds, that they had done their duty, if they once forgot that they had a King upon the Throne, and that being there, his personal capacity, and his political capacity, remained whole and entire. What were the arguments that had been made use of that night? Gentlemen seemed to have forgot that they were to make a choice of evils, and that it was their duty, in such a case, to prefer that which appeared to be the least evil. When Gentlemen told him, that by withholding the patronage of the Royal Household, they should be guilty of a breach of the Constitution, let them say how he was to discharge his allegiance to the Sovereign on the Throne, without taking care that his resumption of his Royal Authority should be rendered as little difficult, when he should have recovered his health, as possible? Sir John said, he did not speak with indelicacy towards the Regent, if he shewed that jealousy belonging to his character as a Member of Parliament, which it was his duty to shew respecting the other House of Parliament, and respecting the executive Government of the country. They

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were not acting upon personal confidence, but upon public principles. But let them see what the Regent could do, and what he could not do. Suppose that his Majesty should continue ill six or twelve months. Suppose the King should recover at the end of the twelvemonth, and the Bill should expire in the fortnight next after the end of the twelvemonth. In that case, suppose an adviser, out of that House, were to get hold of the Regent and tell him, “though you have submitted to these Restrictions and Limitations for a twelvemonth, yet believe me you have an inherent Right to the exercise of the Royal Authority; do not submit to the Restrictions you have had imposed upon you any more.” Sir John declared, he did not say that any person would be so bold as to advise him in any way, but the case was a possible one, and it was Parliamentary to state the hypothesis, and provide against the danger of such a circumstance. It had been asked by an Hon. Baronet, what would be the case if the Queen should suffer a demise? In answer to that he asked, what would be the case if the Regent should suffer a demise? They would come down to that House and provide a successor. In the present exigency of affairs, how were they to do their duty to their Country? They were to do it, by recollecting that his Majesty’s political character was entire, and if Gentlemen were to act equal to that integrity, they would vote the present Proposition. The King on the Throne had been beloved by his subjects. It had pleased God to afflict him with a grievous calamity. In consequence of that calamity it became necessary for that House to provide a person to exercise that part of the Royal Authority, which his Majesty from his infirmity could not exercise himself. His infirmity, however, was not likely to last long, and they were, therefore, to consider what they had to provide, as a mere temporary measure, not a permanent one. Perhaps his Majesty might be well in three months; the people, therefore, had a right to expect, that the House of Commons would do its duty, and not forget the respect due to that Sovereign, whom they all loved. How was the sense of the people of England to be collected on the subject? Perhaps if a Right Hon. Gentleman was asked, he might adopt his first opinion, and say, “the sense of the people was spoken by their Representatives in that House;” or he might take up his second opinion, and say,

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“the sense of the people can only be known from the people of England at large;” or he might go back again to his old doctrine, and say, “the sense of the People of England can only be collected in the House of Commons.” But let the sense of the People be taken at their bar, or in any other way, the language they would undoubtedly hold would be, “What, could you not do your duty for three short months? Were you so hasty to dethrone the King, your lawful Sovereign, to whom you have all sworn allegiance, that you treated him with the grossest disrespect, and stript him of every mark of regal honour and distinction, after he had been ill no longer than a month?” What would the people say, when they heard it was refused to the Monarch by that set of men, who said it was the public wish that they should be the Ministers of the Regent, although that wish had been circulated in whispers, so so low, indeed, that every person had not heard it? Was it possible, Sir John asked, that these Gentlemen could seriously argue, that the Regent, with the army, the navy, the church, and all the officers of the public revenue at his command, could not carry on a vigorous and effectual Government? He said, it was not Parliamentary to state, that the influence arising from the patronage of places was absolutely necessary to the carrying on of Government; but where was the integrity of that House, if such arguments were used? Was there no man who would act from the impulse of an higher feeling, from a sense of duty, and from what they owed to their character and to their country? If the Proposition was a bad one, he hoped they should hear that which would be a good one. He asked if his Majesty was not alive, and afflicted with a severe malady, and whether that circumstance was not a reason for giving him additional attendance, rather than taking that away which he had before his illness. The noble Lord, he observed, had said, that as soon as his Majesty recovered, and restored himself to the Throne, the Regent would retire, and leave him in the undisturbed possession of the Government. It was the duty of that House to take care that his Majesty should be enabled so to do, but they were not to leave it to chance, whether his Majesty might have it in his power to do so or not. But it was said, that the Proposition gave all the Household, in its present situation, to the Queen, and that it would be so much influence thrown

thrown into the hands of Opposition. It was, he said, a gross and indecent reflection on the high and exalted character alluded to, to suppose that she would employ her power for the purpose of opposing the Government of her son, the Regent. Sir John dwelt on this point, and, after declaring that no proposition could be suggested, that was not clogged with some evil or other, that of two evils he had chosen the least, and that in his honour and his conscience, he thought the plan the Proposition contained, the best, most safe, most expedient, and most politic, that could be adopted, all the circumstances of the case considered.

Mr. Fox rose, and combated the Restrictions. Perhaps, he said, Mr. Fox, he might be partial to the talents of those with whom he associated, and peculiarly so, when they were persons whom he could not but love and esteem; yet he did not think it fair, he did not think it honourable, he did not think it candid, to introduce into a debate any comparison between the abilities of the respective parties. From the difference, however, which he flattered himself could not but have been obvious during the discussion, he had not felt one moment of mortification from the pressure of those abilities, the weight of which he frequently dreaded, for he never had met with so little talent, or so little argument from people with whom he had to contend, and perhaps never less than that which had fallen from the Right Hon. and Learned Gentleman who spoke last. Personal encomiums had been suffered to mix in public measures; but he would not make the panegyric of the Prince of Wales the ground of his argument, nor would he ever listen to the praise of the Queen or of his Majesty.

Let us not, said Mr. Fox, speak of *the* King, but of *a* King; let us not speak of *the* Prince of Wales, but of *a* Prince of Wales; let us not speak of *the* Queen, but of *a* Queen consort! He well knew that human beings had been deified, before a true and more rational religion was revealed; but it was done with the moral view of enforcing obedience to power, and making mankind happy. He well knew that there were characters in this country, to which he affected not to lay claim, who were called sometimes high churchmen, and sometimes Tories, sometimes by one name, and sometimes by another, who had endeavoured to render Ma-
jesty

jectly divine in order to give vigour to authority. But what did we now? We adopted the superstition of religion, and rejected its morality, which tended not to support Government, but to enfeeble the arm of power. The Right Hon. and Learned Gentleman had talked of his allegiance to the King, an allegiance which was affected to belong to an object unable to protect him, and which, in the present situation of affairs, therefore, he could not feel. Allegiance, Mr. Fox conceived to be the reciprocal act which we naturally pay to the Monarch that affords us protection. That protection the Throne was now incapable of affording. If such was the truth, was not the whole of the Bill founded in hypocrisy and fraud? It was asserted, nay insisted on, some time past, by the Right Honourable the Chancellor of the Exchequer, that there was not only the probability of a cure, but of a speedy cure, and that eighteen months was the fullest extent of the time to be limited for the King's recovery. If Gentlemen looked forward to that distant period, it would be found more dangerous than useful to restrict the Prince's power of granting Peerages. If he was not mistaken, which he could not suppose to be the case, as he spoke on undoubted authority, the Right Hon. Gentleman had placed forty-two Members in the House of Lords since his accession into office. "Are you afraid," says he, "that there is a confederacy in the House of Peers? They have too much attachment to the Crown to form a confederacy against the Regent." Allowing the justice of this argument, what evil could arise from their giving the Regent the same power which the Right Hon. Gentleman had himself so repeatedly exercised? Not only, said Mr. Fox, is the privilege of making Peers denied, but the disposal of the Household Officers is to be placed in the hands of the Queen, lest the King should on his recovery behold a change in the faces of his political servants. This strong attachment to the Crown may however be productive of the most mischievous consequences. The Right Hon. Gentleman exclaims, Who can imagine that a Queen could combine against her son? when at the same time he asserts that Heirs Apparent have joined against the interest of the Crown. If such facts occur in political history, why may not a mother be equally supposed to combine against her son? Have not other

Queens been biaſſed by bad adviſers, and was our Queen leſs likely to be thus influenced? Mr. Fox ſaid, he knew enough of the human heart to be convinced that a competition for power breaks and diſſolves all the deareſt ties of nature, kindred, tenderneſs, and affection! The Right Hon. Gentleman had asked whether it could be ſuppoſed, that when he quitted his preſent office, he would head a factious Oppoſition? That queſtion he was not obliged to determine, and did not think it proper to diſcuſs. Oppoſition might be in earneſt, but not factious. He had ſpent the greateſt part of his life in Oppoſition, and though he was likely to leave it for a time, he could not help feeling ſome hankering after Oppoſition ſtill. The love of former habits might, perhaps, ariſe from the probability of his being ſooner or later obliged to return to Oppoſition again; but from whatever cauſe it originated, that love, that hankering remained. Let the Right Hon. Gentleman head an Oppoſition; but let him not uſe unfair arms, or contrive any ſecret machinations. If any diminution of Royal Power be neceſſary, it is that of the Crown, not that of the Regent; for the government of a Regent being naturally weaker than the government of a King, ought to be ſtrengthened by every conſtitutional prerogative. If this country ſhould be afflicted with the loſs of the King, let us then watch the Regent, and not grant him one atom of power beyond what is ſtrictly neceſſary. The Right Hon. Gentleman having diveſted the Regent of his juſt prerogatives, ſays, do you wiſh for the Government of the country for the purpoſe of giving away places, and offices, and emoluments? My answer, continued Mr. Fox, is, that I would not accept the Government without enjoying thoſe powers and that patronage which are given me by the Conſtitution. As for accepting ſuch an office for the mere ſake of emoluments, according to the low ideas annexed to the word, it is what I diſdain. And the Hon. Gentleman well knows, that if I fought an high office merely on a principle of avarice, I muſt be the moſt ignorant of mankind. But perhaps we are the firſt men who ever ventured to confer all the ſhare of reſponſibility on one ſet of perſons, and all the power on another. However I may offend the Hon. Gentleman behind me [Mr. Pulteney,] who has always honoured me with his eſteem, notwithſtanding the difference

difference in our political opinions, I must repeat it, that I would not accept the administration of affairs unaccompanied by all the patronage, all the emoluments of the office which are annexed to it by the Constitution. Mr. Fox then asked, if the Right Hon. Gentleman over against him had not been said to have done service to the country; that he served his country on the Continent, he admitted, but could he have done it without the use of that patronage and those emoluments now to be withheld from the government of the Regent?

Mr. Fox ridiculed the Lords of the Bedchamber, and called them that Prætorian guard of Household Troops, who, though they had fought bravely under the banners of the Right Hon. Gentleman, might, if placed in Opposition, prove factious and unsteady, and, unable to endure the unproductive fatigues of an Opposition campaign, might run over to the enemy. They were troops which the Right Hon. Gentleman employed only on occasions of danger. But let it be remembered, that those servants of the Crown might destroy the Crown. Mr. Fox adverted to the indecent custom of attacking persons instead of attending to things, and ironically spoke of the crooked policy of the Duke of Portland, the factious spirit of Earl Fitzwilliam, the deep insidious policy of the noble Lord near him in the blue ribband, and above all the desperate wickedness of Lord John Cavendish! Mr. Fox, then, adverting to what he had formerly said on the subject of placing the restrictions on the Regent, illustrated his meaning by putting the following case. A. and his friends in the Opposition, have a personal objection to B. the Minister, whom A. was advised in as constitutional a manner as possible to endeavour to remove. No, says A, I will remove him in a more effectual manner. What then will they do? They will cripple the executive power of the Government, and destroy the essential principles of the Constitution. The Prince is deprived of many of his powers, in order to give the Government energy and effect, and to gratify the King with a sight of his favourite Household Troops, when he returns to a state of health. But will any person say, that the Lords of the Bedchamber would be certain to remain in office till his Majesty's recovery? Is not the Queen as likely to change them as the Regent?

Regent? The present Bill had been compared to the East India Bill. But the Right Hon. Gentleman says the present Bill is temporary. Was the India Bill a perpetual one? The India Bill took nothing from the Crown, and gave nothing to the Crown. It took power out of the hands of one set of subjects, and placed it in the hands of another. It annihilated the power of the Directors of the East India Company, and gave it to a Board of Commissioners appointed by Parliament. Mr. Fox alluded to what Sir John Scott had said with respect to the three different methods of collecting the sense of the people. He had been asked whether he would adhere to the first method, or to the second, or to the third? He would adhere to them all, as occasion might require. That House was, generally speaking, the organ of the sense of the people, but it was not always a perfect organ of that sense. It was, however, a better organ of the sense of the people, than the assertion of the Right Hon. Gentleman. The whole ground of the restrictions of the Regency, was that of the probability of his Majesty's recovery. He would not canvas that probability, but he must say, that the House went on most dangerous grounds when it changed the Royal Office rather than the Royal Person. The uncertainty of physic was allowed by the first of the profession, as an uncertainty greater than that of any other science. Let the Right Hon. Gentleman confess with him, that the measures on the occasion should be proportioned to the necessity of the case. To the period, said Mr. Fox, at which you conceive his Majesty, if capable of being cured, is likely to recover, limit the Restrictions: but do not limit the Bill. The natural consequence, in the time of Charles II. of the two Houses legislating without the King, was, that they impaired the power of the Crown, and ultimately ruined the Constitution, which had not been their intention. Why do we now attack the power of the Crown? Not for the generous purpose of diminishing its influence in favour of the people, but for the superabundant love of the King, and from a wish to secure his restoration. But how shall we secure it? By distrusting the Regent and placing an implicit power in Parliament? They had better distrust Parliament than the Prince of Wales, because the Prince had the greatest interest in the Crown, which must devolve to him after the death of his father. It was said, will you suspect the power of giving away

a few places can influence the Queen? I do not suspect it of influencing *the* Queen, but *a* Queen. I will suspect that the Queen is as capable of loving power, as the Prince of Wales was of wishing to preserve it; and that she may be influenced by her advisers. Mr. Fox approved the idea of committing his Majesty's person into the hands of the Queen, but lamented the circumstance of her having so much power placed in her hands, as that of disposing of the Officers of the Household. He mentioned what was to be done in case of a demise happening to the Queen or the Prince of Wales, and said, that if an attempt were made to set up a principle of competition between the Prince of Wales and the Duke of York, though it would be as easy to pluck the planets from their spheres,—yet were such a thing effected, a faction would be created which might prove the ruin of the country. The question respecting the Household was plainly this: should a King have a pageantry, which he could not enjoy, to the detriment of the prerogatives of the Regent, and the principles of the Constitution? France was said to be in a state of imbecility. Perhaps she was; but was it any argument, that because she was in a state of imbecility, we were to make ourselves a match for her in weakness? Misery melts the heart, and takes away the strings of resentment. When we were in a state of imbecility and misery, we might say to our neighbours on the other side of the water, let us be lookers on, and see what confusion and animosities pass on the Continent, without ourselves venturing to interfere. A Right Hon. Gentleman had talked of a weak Government preventing mischief. It was known, that among the generous and liberal-minded, the female sex was stronger than the male. Perhaps, when the Right Hon. Gentleman commended the efficiency of a weak Government, he was actuated by the same motive of chivalry.

Mr. Fox said, he had understood that a provision was intended to be made for the Prince of Wales.

It might perhaps be a matter of delicacy to state the opinion of his Royal Highness, but he knew it to be the sentiments of his Royal Highness, that it would be highly irksome to him, to add any burthen to the Country in its present melancholy and calamitous situation, for the purpose of encreasing the state and dignity of his rank as Regent.

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After this declaration, Mr. Fox said, if any expence were unavoidable, in his mind it ought to be defrayed out of the Civil List. Before he sat down, among various other pointed arguments, remarks, and declarations, he asserted, that he should consider his duty to his constituents as of the first importance, and prefer his duty in that House as a Member of Parliament, to that of a servant of the Crown. He should therefore be ready to oppose any inordinate power in the Regent, as much as he used to do in the Crown; and he hoped and trusted that the House would not give its authority to a measure which tended to break all the strings of Government, and to violate the Constitution.

Mr. *Wilberforce* spoke in favour of the Restrictions, and said, Mr. Wilberforce. that not *the* Prince but *a* Prince might prove so powerful as to cause *a* King to be dethroned. A person, he said, like his Learned Friend near him [Sir J. Scott,] who had applied himself with diligence and success to the study of the law, could not be supposed to have by that means weakened his understanding; from the superior knowledge of Parliamentary forms which his Hon. and Learned Friend had thus acquired, he was often inclined to think that Gentlemen would be apt to suspect his intentions were rather to mislead by dint of superior ability, than to convince by fair argument. If the power of the King were diminished, the government of this country was weakened, and so if the power of the Regent was diminished, the government of the country was likewise weakened. Mr. Wilberforce said, the Gentleman who spoke before him had proved himself to possess more religion than he thought belonged to him; and when he spoke so much against superstition, he could attribute it only to the disgust which he must have felt for the religious rites of the foreign countries through which he had lately passed. It was much more easy in any situation to prevent the King's return to the Crown, than Gentlemen might imagine. Had not the Right Hon. Gentleman yet forgot his foreign politics? Was he so eager to take advantage of the imbecility of the French Government, and to take the field against our former enemy? If we gave all the Royal Powers with those restrictions only which had been proposed to the Prince of Wales, sufficient authority would be given for the necessary purposes of a Regent. The Prince might be declared Regent, but it was their

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duty to take care, that he was not placed upon the Throne in the life-time of his father.

Mr. Drake. Mr. *Drake* said, there were very few cases in which he must be obliged to differ from the Right Hon. Gentleman at the head of his Majesty's Exchequer; that he admired his character and talents, but on the present occasion he could not help differing from the Right Hon. Gentleman. Mr. Drake urged the House not to embarrass her Majesty, by taking her out of the domestic station in which she had so long moved with so much 'virtuous' attention to her family, and forcing her to become a Politician. It had been the boast of all who knew her Majesty, that she never had meddled with politics, why then should she now be compelled to become a Partisan? He conjured the Committee on the present occasion to act with one wish, one feeling, one loyalty. He spoke of the wonderful abilities of the two great leaders of the different sides of the House, and said, he hoped to see the time, when these two great characters should no longer be acting as political adversaries, but in concert co-operating in measures calculated for the general good. With regard to the retrenching of the Royal Household, Mr. Drake said, he could not but think from the situation of his Majesty, that he could not want the higher Household Servants of the Crown about him. Mr. Drake said, an Hon. Friend of his had moved an Amendment, which he should have offered, had it not been proposed, and that was to simplify the Question; as it stood it was far too complicated. He was glad, therefore, that it had been moved to divide it; he did not, however, like the Minister's adherence to the Proposition in the complicated and entangled form in which it had been originally moved, and he declared, that if he had not a large share of confidence, he should have entertained a great deal of suspicion on that account.

Mr. Pitt. The *Chancellor of the Exchequer* said, from all he had heard from those on the opposite side, it would not be necessary for him to prolong the debate by any farther argument in support of the Motion. The Right Hon. Gentleman had been pleased to say, that he had been able to discover neither argument nor talent in any of those who had spoken in favour of the Question; he happened to differ from the Right Hon. Gentleman, and was persuaded he had heard a great deal of both from several Gentlemen,

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but most especially as much of each as could be advanced and displayed in a small compass, from an Hon. Friend of his who had lately sat down. He said, he would not enter into argument again, but would proceed to answer two points, which had been put to him by way of question. The first of these was, a question when the Restrictions would be taken off the Regent? With regard to the precise time there was great difficulty and inconvenience in fixing that. If, contrary to his sanguine expectation and belief, the King's recovery should after some time be protracted, and his Majesty's Physicians should pronounce that it was not likely to take place soon, in that case he should be of opinion that they must be taken off altogether. With respect to the Restriction of making Peerages, when the time he had described should come, that Restriction ought in his mind to be given up, and done away. At the period he had described, the establishment of the Household might be revised and new modelled. Some provision also must be made respecting the real property of the Crown, and as to the places for life, patents, &c. he should then think it expedient to give the Regent a power to grant such as had always been places for life. Another question had been asked him, to which he was extremely desirous of giving an answer; and that was, what the sort of provision was, that was to be made for the support of the dignity of the Regent, and when it was to take place? With regard to the time when, he should think that immediately after the Bill should pass, appointing his Royal Highness the Prince of Wales Regent, the next thing that followed ought to be the providing a proper retinue to support the Prince of Wales's rank of Regent with becoming dignity and splendour. As to the question of what this provision was to consist in, that was not in his own mind fully determined. With regard to his Royal Highness's declaration as insinuated by the Right Hon. Gentleman, that he would lament any addition being made on his account to the burthen of the public; every man, Mr. Pitt said, must applaud the magnanimity and liberality of the sentiment, a sentiment which his Royal Highness had inherited, he had no doubt, from the liberality and magnanimity of his princely father; but though he was peculiarly well aware what heavy burthens the people sustained, and since he had the honour of being in his Majesty's service had felt

the painful task of being obliged to add considerably to those burthens, in order to meet the exigencies of the country, and endeavour to retrieve its lost commerce and sinking credit, (an endeavour which he had the happiness of seeing crowned with the most ample success, the good sense and firmness of the people inducing them cheerfully to submit to burthens which necessity demanded to be imposed) yet, notwithstanding these circumstances, nothing should deter him from coming forward and proposing a new establishment suitable to the rank, the character, and the dignity of the Regent. Nor could he think of taking the sum necessary to provide for this establishment out of the Civil List, which was the property of his Majesty, but he would fairly appeal to the public, by whom he had been so highly favoured, not doubting but that they, who had so cheerfully and so successfully contributed so much, and seen their credit and their commerce restored and raised in consequence to a most flourishing state, would with equal cheerfulness contribute, what (compared with the money that had been before raised upon them) was but little indeed, in order to provide for so unavoidable and so singular an exigency. He knew not whether he should be left to propose this matter, or whether it might not devolve to other hands; but, whether in or out of office, he should be ready to stand forward on such an occasion, and place the expence where in his mind it ought to fall, on the public purse of the country.

Mr. Sheridan.

Mr. *Sheridan* assured the Committee he would not prolong the debate, and when he said so, he declared, he meant to keep his word better than the Right Hon. Gentleman had done. It was not, Mr. *Sheridan* said, an agreeable task to enter on the degree of comparative abilities with which the Resolution had been debated, and the more so when the person who undertook to comment upon the matter, had himself been principally concerned in the debate. The Right Hon. Gentleman's explanation required an explanation. The Right Hon. Gentleman, he observed, had given his Right Hon. Friend no answer whatever as to the time when the Restrictions would be taken off the Regency in case his expectations of his Majesty's recovery should prove to have been unwarranted, as he verily believed they would turn out. And there was another matter of no small importance, respecting which
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the Right Hon. Gentleman had not said one word, and that was the Council that was to be provided for the Queen, as guardian and trustee of his Majesty's Royal Person. The Right Hon. Gentleman, on his first opening of his plan on a former day, had omitted to state even that there was to be a Council, till the Resolution came to be read, and then the Hon. Gentleman had started up, and put in his Council, like the postscript to a letter, or a matter of trifling consequence, taking care to tell them no more, than it was to be a Council of Advice, not a Council of Controul. Mr. Sheridan said, the nature and constitution of the Council ought to be explained, and the Committee ought to be told of whom it was to consist, before they were called upon to vote it. Mr. Sheridan, in the course of his speech, delivered himself tauntingly and with asperity.

The *Chancellor of the Exchequer* said, where he not determined Mr. Pitt. to leave nothing unexplained, the manner in which the Hon. Gentleman had called for an explanation would have caused his silence. Mr. Pitt then stated, that it was impossible for him to say when the Restrictions would be fit to be taken off the Regent in case his Majesty should not recover as was expected, but that Parliament would always have it in its own power to remove them. With regard to the Council, he thanked the Honourable Gentleman for having given him an opportunity of explaining its nature and constitution, which he should have been sorry to have left unexplained, and it really had escaped him. He then stated, that the Council was to be solely a Council of Advice; and in no sort a Council of Controul. That it was to include in it all the Great Officers of his Majesty's Household, with some of the Right Reverend Prelates, to give it the gravity and solemnity due to its importance.

Mr. M. Montague rose, but the Committee were so clamourous for the Question, that the strangers were desired to withdraw.

Mr. M.
Montague.

At length the Committee divided on the Question, that the words in the middle of the Question stand part of the Motion.

<i>Ayes</i>	—	—	—	229
<i>Noes</i>	—	—	—	165
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	Majority	—		64

Lord North. Lord *North* then moved, that the words “for a limited time,” be added to the Motion, upon which the House divided,

<i>Ayes</i>	-	-	-	164
<i>Noes</i>	-	-	-	220

The House being resumed, it was moved, “That these Resolutions be *now* read.”

Mr. Rolle. Mr. *Rolle* immediately rose to say, that he gave his consent to appointing the Prince of Wales Regent, only upon the ground that he was not married to Mrs. Fitzherbert either in law or equity.

Sir F. Basset. Sir *F. Basset* called him to Order, and said, that no man ought to use such language, unless he was prepared to bring forward some specific Proposition.

Mr. Rolle. Mr. *Rolle* appealed to the Chair, whether he was disorderly, repeating his former words. He added, that having heard from a Right Hon. Gentleman (Mr. Fox) on a former occasion, an explicit disavowal of any such marriage, though he had since heard and read, that the disavowal was not warranted, he nevertheless so far trusted to the Right Hon. Gentleman’s declaration, as to agree to make the Prince Regent. He meant, however, when the Bill was brought in, to move several clauses upon that point, which no threats or opposition should induce him to decline doing. Lord North reflecting upon Mr. Rolle for what he had said, he declared, that he alluded not to anonymous publications, but to a pamphlet with a name to it at full length.

Ld. North. Lord *North* replied, that an assertion at the very beginning of that pamphlet was sufficient to discredit it; for the author, who was a very ingenious gentleman, set out with declaring, that the Marriage Act was no law; and if assertions of that sort, stating an Act passed by King, Lords, and Commons, was to be believed, we were in a state of nature, and there was an end of all government.

Mr. Pulteney. Mr. *Pulteney* proposed some words to limit both the Restrictions and the whole power of the Prince.

Mr. Pitt. Mr. *Pitt*, though he rather preferred leaving the period unsettled for the present, yet had no particular objection to limit the duration of the whole bill, as the whole settlement of the Regency would then undergo a proper consideration, and the strong objections

tions he had made against limiting the Restrictions only, would, in a great measure, be obviated.

Mr. *Fox* rather agreed with Mr. Pulteney, but begged the Mr. Fox-House to observe, that they were in truth turning the Constitution into a republick by such repeated elections of the Chief Magistrate.

The proposition was agreed to be withdrawn at present, in order to be proposed again in the Bill.

This conversation over

The Reports were read a first and second time.

An Amendment was proposed, after “empowered” to insert “for a time to be limited.” Withdrawn by leave of the House.

In the second Resolution, after “extend” to insert “after a time to be limited.” Negatived.

In the third Resolution the same amendment; and after the word “offices” to insert “as were on the first day of November last held for life, except such offices.” Negatived.

Then the third, fourth, and fifth Resolutions were read and agreed to, and ordered to be communicated to the Lords at a Conference; and that Mr. Wilberforce do go to the Lords, and desire such Conference.

Monday, January 26.

A message was brought from the Lords, desiring a Conference. It was then moved, that the Managers who conducted the last Conference should likewise conduct the Conference now desired. Their names were accordingly called over, and they withdrew to the House of Peers, and in a short time returned with the Resolutions agreed to.

The Committee on the State of the Nation was, upon motion, put off till to-morrow.

The Masters in Chancery having brought a Message from the House of Lords, requesting a present Conference, and the same having been read from the Chair,

Mr. *Burke* rose to enquire about the subject matter of the intended Conference. Rumour had circulated that a proceeding
Mr. Burke,
of

of considerable importance was about to take place in the other House of Parliament; he trusted, therefore, that the Right Hon. Gentleman would give them some information on the subject, and the Resolutions having been sent up from that House, would state to them what was the next step they were to be called upon to take, that they might not wander in the dark.

Mr. Pitt. The *Chancellor of the Exchequer* said, he saw no great impropriety nor irregularity in the present proceeding, nor in the steps they had hitherto taken. They had sent the Resolutions, as soon as the House had voted them, up to the House of Lords and now a Conference was demanded by the Lords; it was impossible for him to state what would pass at that Conference, but he should suppose the object of it very probably was to let them know, that the House of Lords had agreed to the Resolutions sent up by that House, and surely no Gentleman would object to the Conference that was desired, but consider it as a matter of course.

Mr. Burke. Mr. *Burke* said, if he had risen to oppose the Conference, the Right Honourable Gentleman's answer would have been not only strong but a fair one, but he appealed to the House whether he had objected to the Conference; he had merely risen to ask for information, and that information was, it seems, denied the House. Mr. Burke added some general reflections on the steps that had been taken by the two Houses hitherto, and said, every step they proceeded was an attempt to introduce some new principle in the Constitution.

Mr. Pitt. The *Chancellor of the Exchequer* said, no man could be more ready than he was at all times to give every information that he could, with any sort of consistency, to that House; whenever he had a measure to propose he was ready to open it fully after due notice given, and when the time of the notice was not thought sufficient, he was at all times willing to enlarge it; but surely it was not introducing any new principle in the Constitution for him, as a Member of that House, to refuse giving any information of what was about to pass in the other House, of which as a Member of Parliament he could not be supposed to know any thing.

Mr. Burke. Mr. *Burke* contended, that sending up the Resolutions to the House of Lords tended fundamentally to destroy the deliberative capacity of that and the other House of Parliament. Voting Re-

solutions

solutions in the abstract, was, he said, a new mode of proceeding attended with much inconvenience. Their former regular way had this advantage, they were not committed by the other House, but had frequent opportunities of knowing whether the Bill introduced by the other House, and grounded upon their Resolutions, was a monster or not. By the mode that had been adopted of their voting Resolutions in the name of the House of Lords, and obtaining the subsequent concurrence of that House, the House of Lords had pledged themselves to the Bill founded on those Resolutions, and that House in the same respect were pledged, so that the two Houses were mutually pledged to each other, a circumstance that tended to undermine and take away the deliberative capacity of both. For this, Mr. Burke said, they had but one Precedent, and that was the Irish Propositions, but at that time much weighty and serious argument had been urged against such a mode of proceeding; for his part, he thought the reason assigned for it a bad one at that time, and he thought so then. The same reason, however, did not then exist, viz. that that they were obliged to wait for the concurrence of a third party.

The Question was then put, and it was agreed that the Requisition of the House of Lords be complied with, and a present Conference held in the Painted Chamber.

As soon as the Conference was over, the *Chancellor of the Ex-* Mr. Pitt. *chequer* informed the House, that the next step he should propose, would be to lay the Resolutions, voted by the two Houses, before his Royal Highness the Prince of Wales, in order to know whether his Royal Highness was willing to accept the Regency upon those conditions, and therefore he gave notice that he should make a motion for an humble Address for that purpose the next day.

Mr. Grey said, he did not rise to object to the proposed Ad- Mr. Grey. dress; perhaps many Members might not be apprized of such a measure being intended. He rose to observe, that the Right Honourable Gentleman did not seem to have made up his mind to any plan whatever; if he had, he would ask the meaning of the present proposition for laying the Restrictions before his Royal Highness the Prince of Wales, and addressing the Prince to know whether

whether he would accept the Regency on those conditions or not? He had heard, Mr. Grey said, in a Committee, from an authority which he was bound to consider as one of the first authorities in that House, that they were a regular Parliament. If then they were a compleat Legislature, he knew not why they should address the Prince of Wales at all. He thought it the less necessary, since it was understood that the Restrictions had already been communicated to the Prince. He could not, therefore, but express his surprise at the unconnected and inconsistent mode upon which they were every day proceeding, without system or plan of any kind, and every step tending more and more to procrastinate, while the Right Hon. Gentleman was daily complaining of the mischiefs of delay.

Mr. Pitt.

The *Chancellor of the Exchequer* said, whether he had been the person in any part of the proceeding to manifest a desire to delay, was a matter on which he would not say one word; he would leave it to the judgment and recollection of that House, and of the impartial public to decide. Let them recollect the steps they had taken; they had, in the first instance examined his Majesty's Physicians, and ascertained his incapacity; an intention having then been intimated to assert a right to assume the exercise of the Royal Authority, it became necessary to discuss that point and decide upon it; having done so, the House had proceeded to lay the grounds upon which a Bill was afterwards to be brought in, appointing and declaring a Regent; these grounds were contained in certain Resolutions, which they had sent up to the other House, and now awaited their answer. Having laid down the principles of the Government to be established during the present critical time; the next step they had to take, before they put it into the form of a law, was to endeavour to know, whether his Royal Highness the Prince of Wales was willing to accept the Regency upon the principles contained in the Resolutions. Whether there was any thing unsystematical in that mode of proceeding, he would not then take notice. With regard to the Restrictions having been already communicated to his Royal Highness, that House and the other could not act on any supposition of a private communication between his Royal Highness the Prince of Wales, and his Majesty's Ministers. They must proceed in that Parliamentary

mentary method, which could alone furnish them with information of sufficient authenticity to warrant any further proceeding; with this view it was, that he should move an Address to his Royal Highness, but as it would not be orderly to debate the Address before it was moved, the Honourable Gentleman must excuse him, if he did not go into it as the Honourable Gentleman seemed to desire; the motion for an Address was, as he should conceive, a motion on which it would be impossible to hear a dissentient opinion.

Mr. Grey said, he certainly rose not to debate the Address Mr. Grey, before it was moved. When he had stated, that his Majesty's Ministers went on without any plan or system, he stated what appeared to him plain upon the face of it. The Honourable Gentleman, in answer to the charge of delay, had desired Gentlemen to exercise their recollection; the House had no occasion, however, to carry their recollection far back, since the conduct of the Right Hon. Gentleman that day, was a sufficient proof of the desire of delay which he had imputed to him.

Mr. Jolliffe reminded the House, that when he had lately put Mr. Jolliffe, the Question to the Right Honourable Gentleman, whether he had communicated the Restrictions to the Prince, the Right Hon. Gentleman had said, it was an unparliamentary question; but now the Right Hon. Gentleman openly moved, that they should be communicated. He seemed to see that he had proceeded in the dark, and that he must begin *de novo*. If the Right Hon. Gentleman would have the good sense to consult the gentlemen of the law, they would advise him to abandon the circuitous and indirect path, and to do what was, in his poor opinion, right, and he believed he might say, right in the opinion of the nation—declare the Prince of Wales Regent without any Restrictions at all.

Mr. Burke charged the Chancellor of the Exchequer with acting Mr. Burke, arbitrarily, and making *sic volo, sic jubeo, stet pro ratione voluntas*—the rule of his conduct. The Right Hon. Gentleman said, the only cause of delay had been the discussion of their right to act. He desired to know, who it was that had questioned that right? Where was the question to be found? Because some people seemed inclined to debate the question, the Right Hon. Gentleman had forced,

forced the House into the discussion, and in his haughty style said to the House, "Slaves, do you presume to hesitate, or hint a doubt upon the matter, I will put an end to your scruples; the question shall be debated, it shall be decided." They all knew, Mr. Burke said, the terms of the dominion the Right Hon. Gentleman meant to exercise over the Regent's government, terms of as absolute tyranny as any exercised by Julius Cæsar, Augustus, or Oliver Cromwell. With regard to the doubt of that House's right to act, of which the Hon. Gentleman had talked, no man meant it, no man had said it, but the Right Hon. Gentleman had stooped from the dignity of the supreme sovereignty which he had assumed, to combat a right that had not been claimed. Mr. Burke said, he disliked that union of the Fox's tail and the Lion's skin. It was an unnatural junction of low cunning and supreme authority. He added other warm remarks tending to charge the Minister with having been the true cause of all the delay that had taken place.

Sir Joseph
Mawbey.

Sir *Joseph Mawbey* began with remonstrating against Mr. Burke's suggestion, that any man could exercise tyranny over that House, be his station ever so exalted. Sir Joseph spoke highly in praise of the Chancellor of the Exchequer, but declared he for one never could allow that Regents were Kings, or that they had an equal right to the unrestrained exercise of sovereign power. He knew there had been Regents who had done honour to their own characters, and met the approbation of the people. The House might learn, he said, from the papers of that day, the contents of the letter of the Minister to the Prince of Wales upon the subject of the Restrictions, and the Prince's answer. Sir Joseph spoke of the peculiar circumstances of the case, as warranting a peculiar mode of proceeding, because, should the King, in the course of a few weeks, a few months, a year, or a year and half, recover, and be able to resume the reins of Government, it was the duty of the two Houses to provide that his re-assumption of the exercise of the Royal Authority should not be impeded or embarrassed. Sir Joseph maintained, that the people, from whom all power was originally derived, had an indisputable right, whenever a convulsion of the Government, or a temporary suspension of the exercise of the Royal Authority occurred, to say what authorities should be vested in those

those appointed to rule the Realm, and to prescribe such Limitations and Restrictions as they should think proper.

Mr. *Sheridan* wished to ask the Right Hon. Gentleman a question. What he had said in general terms of the intended Motion of an Address to the Prince of Wales, might do for those who would wish to give an implicit confidence to every thing that fell from the Right Hon. Gentleman; but there were other descriptions of men who might reasonably expect a more satisfactory answer. As the Restrictions stood, the Right Hon. Gentleman would be pleased to recollect, there was nothing in them that intimated that they were calculated to continue for a limited time only. Upon the face of the Resolutions, they appeared designed to be permanent; he submitted it to the Right Hon. Gentleman, therefore, whether it was not absolutely necessary, by some means or other, to signify to his Royal Highness the Prince of Wales, that they were meant to continue in force only for a limited time. Perhaps the Right Hon. Gentleman meant to do it in the Address, but certainly it was material that it should be done one way or other, Mr. *Sheridan* said, he understood there was to be a Commission passed to open the Parliament as soon as the Prince's answer to the Address was received, and it was said that his Royal Highness was to be one of the Commissioners. He hoped, therefore, the Hon. Gentleman would inform the House how the Commission was to be constituted. Mr. *Sheridan* pressed the necessity of signifying that the Restrictions were to be only for a limited time, since, as the Resolution stood, there was nothing contained in them which led to any other idea than that of their being permanent.

The *Chancellor of the Exchequer* said, when the Resolutions had been carried to the Prince of Wales, and the answer of his Royal Highness obtained, it would then be time enough to discuss the propriety of the Commission to be passed for opening the Parliament.

Mr. *Sheridan* asked, if there was not some danger in adopting that mode of proceeding? He described the awkward situation in which it would place the Prince, by stating, that if the Address were presented with the Resolutions, and the answer was, that his Royal Highness was willing to accept the Regency on those conditions, whether when the Commission was issued, and the Prince might

might not choose to have any thing to do with it, he would not be precluded from refusing, and be considered by his answer to have pledged himself to consent to all the subsequent proceedings relative to the appointment of the Regency?

Mr. Pitt. The *Chancellor of the Exchequer* repeated, that the first object would be to carry up the Resolutions, and the other matters, such as ordering a Commission to be issued in the King's name for the opening of Parliament, &c. &c. would come under discussion hereafter. The *Chancellor of the Exchequer* moved to discharge the Order of the Day, and that the Committee on the State of the Nation stand for Wednesday.

Mr. Burke. Mr. *Burke* said, as the Address to the Prince of Wales was to be moved only the next day, and it would be probably late in the evening before the Address could be presented, there would scarcely be any time for receiving the Prince's answer, before they went into the Committee on the State of the Nation on Wednesday.

Mr. Pitt. The *Chancellor of the Exchequer* said, he had named Wednesday as the nearest open day, that the House would next day be better enabled to judge after the debate on the Address should be over, whether they ought to move the order for the Committee on the State of the Nation to a future day or not, and the whole matter would be at their disposal.

Tuesday, January 27.

ADDRESS TO THE PRINCE OF WALES.

The *Chancellor of the Exchequer* moved, that the Resolutions which had been agreed to by the House be read.

The Resolutions having been read by the Clerk,

Mr. Pitt. The *Chancellor of the Exchequer* again rose. He said, the proposal he meant to offer to the House appeared to him wholly as a matter of course, flowing from the steps they had already taken. To lay the Resolutions they had come to before the Prince of Wales, in order to ascertain whether his Royal Highness would accept of the Regency under the Resolutions agreed to, previous to their putting them into the form of a law, was a measure that had struck him as so proper, that had it not been for what had passed the preceding

preceding day, he should not have imagined that there would have been one dissenting voice; and so little aware was he of the opposition intended to be made, that he could not argue on anticipation, and obviate the objections before they were stated. Without therefore taking up more of the time of the House, he would only make his Motion, reserving a right to answer any objection that might be stated. He then moved,

“ That a Committee be appointed to communicate to his Royal Highness the Prince of Wales the Resolutions which the Houses of Lords and Commons have agreed to, for providing the means of supplying the defect in the personal exercise of the Royal Authority, under such regulations as the present circumstances may seem to require; and that the Committee be directed to inform his Royal Highness, that the Commons express their hopes that his Royal Highness will accept the said Charge, as soon as an Act of Parliament can be passed for carrying into effect the said purpose.”

Sir Grey Cooper said, that the Right Hon. Gentleman had moved the Address as a mere matter of course, but he conceived it to be a matter of great importance and extent. He did not wonder that his Hon. Friend (Mr. Grey), when the proposition was first stated the preceding day, had expressed his surprize and resentment on the manner in which the House had been treated by so sudden an alteration of the plan of proceeding. There certainly was something very unexpected and mysterious in the measures of the preceding day. It had been announced, that the Right Hon. Gentleman was to proceed to make another Motion in the Committee on the State of the Nation. The Members who attended their duty were under this impression till the Speaker took the Chair the preceding day. They were all told, even at the door, that the business was to begin in the House of Lords. Those who went to the House of Lords informed them, that a sudden stop had been made in the proceeding by a great authority in that House. To what was all this confusion and delay to be imputed? The Right Hon. Gentleman had declared in his opening the second and third Resolutions, *that the two Houses of Parliament, in this great emergency*, fully represented all the ranks of the people, and that they were *the legal organs* through which the voice of the people could

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only

only be heard, when there was a defect in the exercise of the Royal Authority. Perhaps by some accident one of those organs might be somewhat out of tune. Some whispers of dissonance had come down there through the long gallery; some low notes of discord, or at least of harmony, not understood; and therefore till that other instrument was put again into order, and the great masters had settled what parts they were to perform, they were to be amused with this interlude. Be that as it might, he had serious objections to the Address. In the first place, it was unnecessary as a preliminary measure to the bringing in an Act of Parliament, the coming of which was announced with a most alarming solemnity. Secondly, if it was necessary, it was improper, both in point of time as well as in point of matter. The Right Hon. Gentleman knew it was not necessary as a preliminary step to the Bill to send the Resolutions to the Prince for his acceptance. There were certain papers to which he alluded, the communication of which to the House had some time since been requested by two worthy Members, whose request, though not perhaps conveyed in a regular Parliamentary Motion, was made with great attention and respect to the Right Hon. Gentleman, and it was in his power, if it had been in his will, to have complied with it, by asking the permission of his Royal Highness to lay his answer to the Right Hon. Gentleman's letter on the table of the House. But though that communication was, for certain causes, refused, that paper, namely, *the Answer of the Prince, was in the possession and in the admiration of the public.* Whatever other purpose the correspondence between the Minister and his Royal Highness might have answered, it had certainly served to illustrate and to bring before the eyes of the nation the character, the talents, and the virtues of the Prince. It had proved that he knew, that he loved and revered the Constitution of his Country; that he hoped and expected to be intrusted during the deplorable incapacity of the Royal Authority, with all the powers which the Constitution had allotted to the exercise of the regal office, because he conceived that those powers were (as had been well expressed by a respectable Member, Mr. Powys, in a former debate) *an integral part of the rights of the people*: He felt and expressed very natural sensations of surprize and regret for the distrust and suspicion which withheld those powers from him; but he

he thought it the duty of the Heir Apparent of the House of Brunswick to accept the high trust, under whatever restrictions it was offered to him, and to pay a dignified deference and submission to the result of the deliberation and wisdom of Parliament. This proved that the Address was unnecessary in point of fact; he insisted that it was improper and irregular in point of time and in point of matter. In point of time, because the Bill itself (which they were informed was to be passed in a future Parliament) ought to be laid before the Prince for his approbation and consent. Consent, in the cases of Private Bills, was by custom always taken in the Committee. The second objection was in point of matter; for he was persuaded, from the artful manner of wording the Address, that it was not only intended as an insidious and concealed contrivance of pledging the consent of the Prince, but of precluding, by a side wind, the deliberation of the House on the Resolutions which were to constitute the basis of the Bill. In Addresses from that House, in answer to Speeches from the Throne, nothing was more anxiously watched than any words, that whilst they pretended merely to convey an affectionate and dutiful answer to the Crown, engaged the House to adopt the measures recommended by the Ministers: such attempts were always reprobated by Parliament. Sir Grey said, he would trouble the House no further. He had, as he conceived, proved that the Address was unnecessary as a preliminary to bringing in the Bill; that it was improper and irregular in every respect.

Lord *Belgrave* did not rise to enter into any discussion of the Lord Belgrave. topics started by the Hon. Baronet, but to differ from him in the point, the immediate subject of the Question. His Lordship said, he thought it necessary to know authentically, whether his Royal Highness would or would not accept of the Regency under the Resolutions agreed to; if he would, it would be necessary to proceed with all possible dispatch to invest him with the necessary powers; if he would not, the House must adopt a different proceeding. His Lordship saw no reason why they should proceed in an irregular and unparliamentary manner, when they had it in their power to proceed in a regular and parliamentary manner. He considered what the Hon. Baronet had said relative to the Letter from the Prince to his Right Hon. Friend, to be wholly inapplicable to the

Question, for he could not conceive how it was possible that Gentlemen should act upon any thing that had passed out of doors; they were to act upon what presented itself within doors. He considered that it would neither be acting with honour or respect due to the Prince, or consistently with the dignity and character of that House; in fact, it would be a breach of decorum, if they did not lay before his Royal Highness the Resolutions they had agreed to, that they might be acquainted whether the Prince would accept the Regency under them; for those reasons he thought it was highly necessary that his Right Hon. Friend's Motion should be adopted.

Sir J. Swinburne.

Sir *J. Swinburne* asked, whether the indecorum the noble Lord had talked of, did not already exist? In his opinion a great indecency had been offered to his Royal Highness, by the plan not having been laid at the first before him. He thought his Royal Highness shewed a great regard to the Constitution, in accepting the office of Regent, in the present crippled state in which it was offered to him. It ought, in his mind, to have been offered free from any limitation or restraint whatever. If the Right Hon. Gentleman by the present Address did not mean to pledge himself to the House, that no alterations should be made in the Bill that was intended to be brought in, he conceived it would be infinitely more proper to address his Royal Highness when the Bill was concluded, and was therefore against the Address.

Mr. Dudley Ryder.

Mr. *D. Ryder*, in answer to the Hon. Baronet's charge of early indecorum, asked how it was possible that the Resolutions could have been laid before his Royal Highness, previous to their having been agreed to by the two Houses? The Honourable Baronet had declared it, as his opinion, that the Prince ought to have been acquainted at first with the Resolutions, at a time they were not agreed to; but when they were agreed to, he objected to their being laid before the Prince. By the House agreeing with the Address, he could not consider that they were pledging themselves to say any thing further, than, as men of honour and conscience, to agree to that in a Bill, which they had before agreed to in the form of Resolutions. If they altered the Bill, and imposed farther Restrictions, the Prince's contract and obligation to abide by the Restrictions, would of course be void.

Sir

Sir *Charles Gould* said, the first Resolution had passed under Sir Charles Gould. circumstances that no longer existed. They had then a Speaker; at present they had only a Speaker elect, the Right Honourable Gentleman in the Chair not yet having received the approbation of the Crown; to proceed without it was to infringe on a part of the Royal Authority. He said, he had been misrepresented, and charged with holding one doctrine within that House, and another without doors. He had been and still was of the opinion he had ever entertained of the Prince's having no right to assume the Regency; but at the same time he opposed any declaration against their right, conceiving that such declaration would impress the minds of the people at large, and posterity, with a belief that such right had been asserted by his Royal Highness, which had not, as they well knew, been the case. No such claim having been made, he considered the declaration of it unnecessary, and all the subsequent steps that had been taken. On that ground he opposed the Motion.

Col. *Phipps* said, he had been accustomed to learn the law of Colonel his profession, from the Hon. Baronet who spoke last. That Hon. Phipps. Baronet, he was sorry to find, knew so little of any other law! The Colonel urged the exigency of the case, in which they were of necessity to make a choice of evils. He said the doubt of the Speaker's not being approved of, was a very inconsiderable reason for opposing the Address, as he considered so trivial a point ought not to be considered when so great an object was before the House. With respect to the question of right, that had been raised on the other side of the House, by the Right Hon. Gentleman, declaring the Prince's right to assume the reins of Government [here a cry of *no! no!*] The Colonel continued by saying, that the Right Hon. Gentleman was not present to contradict what he had said on a former day, but he doubted not that some of his friends would deny it for him. An Hon. Gentleman had said, that the Prince ought to have been addressed before any of this was done, but would not agree to address him at present until the whole business was concluded; in extreme cases, it was wise, the Colonel said, to take the medium, and steer between the two opposites; he believed that the opinion of the people would be for

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pursuing

pursuing the plain, simple, and direct path, disregarding the violence of party on either side.

Alderman
Newnham.

Alderman *Newnham* called upon the Right Hon. Gentleman to state the whole of the Resolutions he meant to offer to the House in the Address, that his Royal Highness might be fully apprized of every measure intended to be taken, as it was necessary, previous to his pledging himself to accept the Regency, that the whole Resolutions relative to it should be known. They ought not, the Alderman said, to proceed by piece-meal, and make the Prince accessory to a Bill injurious to himself in points, on which he had as yet received no previous information.

Mr. Grey.

Mr. Grey rose, not, he said, to question the legality of the Speaker's having been called to the Chair. Mr. Grey, in answer to Colonel Phipps, said, that neither his Right Hon. Friend, who was not present to speak for himself, nor any of his friends, had ever maintained the Right of the Prince to assume the Executive Authority without the approbation of Parliament. He agreed with the Hon. Gentleman, that the present mode was the plainest, the most simple and direct of all modes that could be adopted, if intricacy and inconsistency were marks of plainness, if embarrassment meant simplicity, and indecision and weakness meant directness. The motion of the Right Hon. Gentleman he considered as a confirmation of his want of system, and of his wish for delay. The Right Hon. Gentleman had, however, asserted, that it was out of respect and attention to his Royal Highness that the present Address was proposed; he certainly was not one of those who wished to oppose any mark of respect and attention to the Prince; he sincerely wished that the Prince had been treated with no want of respect and attention in other stages of the business; his Royal Highness was entitled, by his conduct, not only to the most marked respect, but to the love of his people. He considered the answer of the Prince to the Resolutions by no means necessary for the House to proceed upon. He wished to ask whether the Prince's agreeing to the Resolutions would be considered as a pledge to agree to any future Resolutions that might be added to the Bill when brought in? or whether it was meant to preclude the House from any future deliberation? if it was not to answer

either

either of these purposes, in his opinion it was wholly unnecessary. Most of them knew what his Royal Highness's feelings were. The Right Honourable Gentleman's attempts clearly went to make a Republican Government out of a limited Monarchy. Let the House be aware of the danger of such a change in the Constitution. After arguing against the propriety of the Address in every view, he said it appeared to him to be brought forward for no other purpose than that of the delay of near a week, since they could not sit on Friday, and his Royal Highness's answer could not be received before Saturday. He asserted that the boasted popularity of the Minister was not so great as had been represented; possibly the Right Hon. Gentleman alluded to the Addresses endeavoured to be obtained for him in different parts of the Country. He had heard scarcely of any place, where there had not been great difference of opinion; in no other county than Devonshire, where there was some appearance of unanimity in the Address, had there been any thing like unanimity, but on the contrary so much division and confusion, that it was at least doubtful whether the Addresses that had been moved, had been carried or not by the majority present. He declared, he knew nothing of those Addresses but what he saw of them in newspapers and other publications. He held Addresses at all times to be improper, as tending to bias the votes of Gentlemen, contrary to their judgments. He was happy in the conduct of his Constituents (Northumberland) from whom an attempt had been made to procure an Address. Such an Address had, however, not been procured; and his Constituents had added obligations to their Representatives, and ensured their future zeal and service, by leaving them to the free, unbiassed exercise of their own judgments.

Mr. *Brandling* said, in the opulent and populous town which he represented, (Newcastle) they had held an assembly of six hundred of the principal inhabitants, who without a dissenting voice, voted an Address to the Right Hon. the Chancellor of the Exchequer, which Address was signed by upwards of nine hundred respectable persons. He was exceedingly happy to have that fact, which met with his warmest approbation, to state to the House, in contradiction to the Hon. Gentleman's assertion of no Address, excepting

excepting that from Devonshire, having voted with unanimity. With respect to the opposition the Address had met with in the county of which the Hon. Gentleman was representative, he begged to say that he knew, from the best authority, that it was in consequence of the High Sheriff's reprehensible, pusillanimous, and contemptible conduct,—[A cry of *Order! Order!*] He said, he begged to be heard, and he would explain what he meant—

Mr. Francis spoke to *Order!* He said he knew nothing of the High Sheriff of Northumberland, but he considered it to be highly disorderly to brand with such unbecoming language, the name and character of any gentleman in any county; it was language, he said, unfit to be suffered in any society of gentlemen.

A general cry of *Order! Order!* was again called from all sides of the House, when

Mr. Bouverie rose to speak to *Order!* and declared, he considered the present conversation as exceedingly improper, being totally irrelevant to the subject before the House.

Lord Belgrave also spoke to *Order*, and desired the Motion before the House might be read.

Mr. Brandling again rose, and said he seldom troubled the House. It always distressed him to be interrupted, but still more to be interrupted in such a manner as he had been. He declared he meant no personal reflection on the High Sheriff of Northumberland, and was proceeding to state the history of the transaction to which he alluded, when he was again loudly called to *Order!*

Mr. Bouverie spoke to *Order!* and begged of the Speaker to prevent such disorder being repeated.

Mr. Grenville. The SPEAKER expressed his concern on the disorderly turn of the debate; and declared he would state why he had not interrupted the Hon. Gentleman. He said, he felt no part of his duty more irksome than the extreme difficulty of interrupting Gentlemen when they went from the Question, and had refrained at present on the ground of the House having suffered one Gentleman to speak on the subject.

Mr. Brandling. Mr. Brandling again spoke, declaring he alluded to the High Sheriff's public conduct only, and nothing else. He said the Northumberland Meeting had been rendered tumultuous, and the Address prevented, by the riotous behaviour of about thirty persons,

sons, who had assembled round the Chair when a worthy Magistrate, who had been for many years Chairman of the Quarter Sessions, was forced from the Chair, so that he was scarcely able to save the parchment the Address had been written on.

Mr. *Grey* remarked upon the words pusillanimous and contemptible, which had been read by the Hon. Gentleman, and declared, if he was inclined, however, to use such language, he would not have taken the advantage of stating it in the absence of the person on whom it was spoken, and when he could not defend himself. Mr. Grey.

Mr. *Brandling* replied, that his conduct and character were equally respectable with those of either the Hon. Gentleman, or any of his friends. Mr. Brandling.

Sir *Joseph Mawbey* justified himself from Mr. Grey's attack, spoke of the approbation of his Constituents, of the measures of the hour, and declared, that his interest in the County of Surry would not be easily shaken. Sir Joseph Mawbey.

Mr. *Bouverie* again spoke to Order, and said so disorderly a conversation ought immediately to be stopped. Mr. Bouverie.

Mr. *Martin* conceived, it would have been more candid, for the Hon. Gentleman (Mr. Bouverie) to have proposed to stop the disorderly conversation at first, when it began, than at the present moment. Mr. Martin.

Sir *Joseph Mawbey* again spoke, and after alluding to his popularity in the county he represented, declared the Freeholders who had assembled at the Election of the noble Lord, lately chosen his colleague, had drank his health in a manner highly flattering to him. Sir Joseph agreed with the Motion, conceiving it necessary, that the House should be authentically informed, whether his Royal Highness would accept the Regency under the Restrictions agreed upon or not. Sir. Joseph Mawbey.

Lord *William Russell* felt himself particularly called upon in consequence of what had fallen from the Hon. Baronet relative to the inhabitants of the County of Surry being devoted to the Ministers of the hour. He was persuaded that the Freeholders of Surry were well acquainted with the principles of the family, to which he had the honour to belong, and he did not think there had been any thing in his conduct, that could make it doubted that Lord W. Russell.

that he would support the Constitution on the principles of his ancestors; he considered it as a reflection on the Country of Surry to say, that they supported the present Administration, and he believed that they would soon shew that they would not be attached to that man, who was no doubt attached to the Minister of the hour. His Lordship concluded with objecting to the Motion, which he conceived tended to nothing but delay.

Sir Joseph
Mawbey.

Sir *Joseph Mawbey* replied, and said he had alluded to the measures, not the Ministers of the hour. He had never said the Freeholders of Surry were devoted to the Minister. He had sat for thirty years in that House endeavouring faithfully to discharge his duty to his constituents. He had always voted as an impartial and disinterested man, and had no doubt of the approbation of his constituents, and the continuance of their partiality.

Mr. Christian.

Mr. *Christian* called the attention of the House to the Motion before them, and said it was their duty to extinguish all party considerations.

Mr. Fitz-
herbert.

Mr. *Fitzherbert* rose, and being an inhabitant and a freeholder of Surry, was speaking on the subject of the Minister's influence in that county, when

Mr. Vyner.

Mr. *Vyner* rose to order.

The Speak-
er.

The SPEAKER thought the Debate had gone wide from the Question, and lamented the time it had taken. He urged the necessity of confining the Debate to the Question before the House, and hoped to have the assistance of the House in preventing future disorder.

Mr. Bou-
verie.

Mr. *Bouverie* then rose to speak to the Question. He thought they ought to enter on the subject of appointing a Regent as soon as possible. He was willing to agree with the Address, if no further Restrictions were meant to be incorporated in the Bill than the House had agreed to, but if any additional Restrictions were intended, he should vote against them.

Mr. Sheri-
dan.

Mr. *Sheridan* said, he was not going to enter into that part of the Debate that respected the Question of Order, nor to go at large into any argument to prove that there was an evident want of system, though in that part he must agree with his Hon. Friend near him, and likewise in his assertion, that the measure then proposed, would cause delay. There were two things, Mr. *Sheridan* said, that

that he owned would incline him to agree to the Address; one of these was, that it was understood that the idea so hastily suggested on a preceding evening, of limiting the duration of the Regency, was abandoned, and the reducing the form of the Constitution to a Republic, by making the election of a supreme Governor annual, would no longer be insisted on. He declared, when this idea was first started, the Right Hon. Gentleman seemed to be ready to embrace it; he could not, therefore, but wonder at the sort of acquiescence manifested by the House at a Proposition of so monstrous a nature, pregnant with such extensive mischiefs, and tending in the first instance to change the form of the Constitution. Mr. Sheridan reverted to what he had mentioned the day before, viz. that the Resolutions, upon the face of them, appeared to be final and permanent, since they contained nothing that pointed out that they were calculated merely to subsist for a limited time, and to answer an emergency of only a temporary nature, although upon that single ground, urged again and again by the Right Hon. Gentleman himself, and other Gentlemen, in debate, had the House been called upon to vote the Resolutions. He enforced the necessity of accompanying the Resolutions, when laid before his Royal Highness, with some intimation of this very material circumstance; and before he sat down, declared, he would move an Amendment to the Motion, in order to add words to that effect. Another point was, that the scheme of setting up what had been properly enough termed a phantom and a shadow to represent the third Estate, was to be abolished; if the fact were so, he should rejoice exceedingly, because he could not but regard the resorting to such a mode of obtaining the Royal Assent as a fallacy, and a violation of the Rights of the third Estate, by an assumption of the exercise of those Rights in the two Houses of Parliament, to whom it did not constitutionally belong. The Right Hon. Gentleman over against him said, the House had already determined on that point, but he begged leave to say, that they had not determined it; they had, indeed, talked of it, and loose hints had been given in the course of debate of the nature of the thing intended to be put in practice; but all they had decided was, that it was necessary for the two Houses to *determine on* the means by which the Royal assent should be given to a Bill; now there was a wide difference
between

between resolving that it was necessary for the two Houses to determine on the means, and the means themselves. Another matter, which as yet remained wholly unexplained, was the degree of state and attendance, which the Right Hon. Gentleman had said, he meant to move to be annexed to his Royal Highness the Prince of Wales, in the room of that power and patronage, which by the fifth Resolution he had proposed to take away from him. As the Right Hon. Gentleman seemed to mean to retain that office, and give up every other, he wished, at the same time that the Restrictions were laid before his Royal Highness, the Right Hon. Gentleman would insert something in the Address to apprize his Royal Highness of the intention, that he might know what he was to expect would be contained in the Bill, and that it was to contain something else besides the Restrictions. Mr. Sheridan added a few pertinent observations, and concluded with moving, by way of Amendment, to add to the motion, "that the Restrictions were formed on the supposition that his Majesty's illness was only temporary, and might be of no long duration." These words, he said, he had taken out of the Right Hon. Gentleman's Letter to the Prince of Wales, that was already before the public, and therefore he did not imagine that any objection could be made to his Amendment by the Right Honourable Gentleman, or any other Member, but that the Amendment would be agreed to as a matter of course.

Sir James
Erskine.

Sir *James Erskine* seconded the Amendment, and it was then read from the Chair.

Mr. Pitt.

The *Chancellor of the Exchequer* said, he would first notice the Hon. Gentleman's ground for the Amendment that he had moved. It was true, he had argued that the Restrictions were such as were fit only to be applied for temporary purposes; but though the necessity for them was supposed to be only of a temporary nature, it was impossible to fix before-hand the precise time, when the necessity for their duration would cease. The Hon. Gentleman had stated, that he had selected the words of his Amendment from a certain publication, but if he would refer to the publication in question, he would find that he had selected words from one part of it, which were followed by another, in which the idea was fully explained. He could not, therefore, avoid objecting to the Amendment,

ment, as containing a partial selection of words from a publication, in which an explanation of that partial selection was to be found. The Hon. Gentleman, it was clear, had not heard the Motion that he had delivered to the Chair with attention, or had forgot the words of it, since, if it were examined, it would be found to contain words that expressly marked that the Restrictions were only temporary. The Chancellor of the Exchequer read the part of the Motion to which he alluded, wherein it was stated, that the Restrictions in question were such as appeared to them proper to be adopted under the *present* circumstances of the case. What could be so fair as stating the Limitations and Restrictions to be framed on the principle of being such, as the occasion appeared at present to require? The Motion, therefore, in his opinion, was sufficiently expressive of all that need to be noticed, and of course precluded the necessity of the Hon. Gentleman's Amendment. The Chancellor of the Exchequer next took notice of Mr. Sheridan's having expressed his hopes, that the idea of limiting the duration of the Regency was abandoned. He reminded the House, that he had objected to any particular time being stated for the duration of the Restrictions, but an Hon. Gentleman, then behind him [Mr. Pulteney] deservedly of great weight in that House, had proposed to limit the duration of the Bill, and upon its being objected to by a Right Hon. Gentleman, not then present, who had stated, that such a limitation as went to the election of a Regent from time to time, tended to create a Republic, and to alter the form of the Constitution, in answer it was said, that the period of limitation should extend to the power as well as the Restrictions: and he must confess, that he thought it less an evil that limitations should be put on the whole, than on a part of the plan. He had himself mentioned no limitation at all, but had thought it best left open for the House in future, to judge of the nature and circumstances of the case, and, therefore, he had begged the Hon. Gentleman not to press them at that time, a requisition with which the Hon. Gentleman had concurred. One of those Champions of the Constitution, on the other side of the House, had thought no ties ought to be fixed to any part of the Bill. He must, however, repeat, that if it should be thought proper that any part were to

be limited, the power should be limited likewise, because otherwise they let the power of providing in future, as the nature of the case might require, go out of their hands, and the Prince of Wales would be bound only for a limited time, while they would be subject not only to the inconvenience, but would lose the claim of being attended with all the convenience possible, because the convenience was their reserving it in their own power to act upon their discretion, as the necessity of the case might demand. At present they did not know but the Bill might be objected to by the Prince, and if so, a very different mode of proceeding must be adopted; but if the Prince should agree to accept the Regency on the conditions stated in the Restrictions, what then would be the consequence. The Bill would proceed after the Parliament should be opened. The House could not be pledged further than their honour and judgment had led them in framing the present Resolutions, and on the other hand, he could not answer better than as an Hon. Friend of his behind him had expressed himself, if the Bill altered the conditions stated in the Restrictions, or superadded new ones; in that case, the Prince could not be considered to be bound by his answer to the Restrictions then under their consideration, whatever that answer might be. But he would ask, which was most probable, after having voted the Restrictions, should they abide by them, or depart from them? If the House departed from them, they would lose the object they aimed at, and all they had hitherto done would be matter of fruitless labour, and useless discussion. The spirit of the Resolutions contained every thing that appeared to him necessary to be decided before they proceeded to the immediate step of opening the Parliament, and moving a Bill, had any thing else occurred to him as necessary, he certainly should have proposed it.

The spirit of those Resolutions was, that all the Royal Power should be exercised by his Royal Highness the Prince of Wales, in the name and on the behalf of his Father, subject to the Restrictions that were specified. He hoped, therefore, that his Royal Highness would not object to the Restrictions, and that the House would not find any material inconvenience in presenting the Motion with the Resolutions to his Royal Highness; but if it should even prove a material inconvenience, he trusted it would be deem-

ed an inconvenience necessary to be incurred, as it would ensure their future proceedings, and rescue them from the hazard of losing much time, and giving themselves much further unnecessary trouble. He took notice of the charge of want of system, and want of method, and of intentional delay on the part of his Majesty's Ministers, that had been lightly and wantonly thrown out, but which, he said, had not been supported. He reminded them of the steps they had taken as the best refutation of that charge, and said, that after having ascertained the fact of the King's incapacity, they had proceeded immediately to the object in view, but their progress had been interrupted by the assertion of a Right in the Prince of Wales to assume the exercise of the Sovereign Authority, an assertion which necessarily and unavoidably called for discussion and decision before they proceeded a single step. The ground cleared of that Question, and the two Houses having resolved, that the right of providing the means of supplying the defect in the executive Authority was in them, and that it was their duty to exercise it, a new delay was occasioned by a declaration, that it was necessary to have a further examination of his Majesty's Ministers, accompanied with such statements as made a further examination of the Physicians unavoidable; but it was to be remembered, that the delay originated not in his Majesty's Ministers, nor on that side the House. That examination over, they had debated the Restrictions thought necessary to be agreed to by the Regent under the present circumstances of his Majesty's probability of recovery, and were now arrived at the point when it was necessary to lay their Resolutions before his Royal Highness the Prince of Wales, in order to know whether his Royal Highness would accept the Regency on those terms or not.

Having thus stated the outlines of the principal of their proceedings, it might possibly be said, that they had been too critical and too minute: in answer to that he would ask, could they be too critical and too minute in questions deeply and materially affecting the constitution of the country? Among other things which might console them for the time they had spent, he could assure the House, notwithstanding the mysterious insinuation of a want of harmony among those who ought, on such an occasion, to agree, made by an Hon. Baronet in the beginning of the debate, that

no difference of opinion, however some Gentlemen might wish it, had prevailed. So far from it, he had great pleasure in telling the Hon. Baronet and the House, that there not only had been no interruption of harmony among those, whose task it was to co-operate in the present arduous situation of affairs, but the more they had thought of the plan of proceedings, that they had felt it to be their duty to propose, the more they were confirmed in their original opinion of it, and were the more determined uniformly to concur in completing it to the utmost, as an act of indispensable duty to their Sovereign and their country. With regard to the charge of delay, likely to be occasioned by the present Motion, in point of fact he did not think it probable to be so great as the Hon. Gentleman had suggested; but if the measure was, as he thought and stated it to be, a necessary measure, though he had all along been, as the House well knew, an advocate for dispatch, he should be of opinion, that, in so very important a point, doing the business well, was preferable to doing it speedily. The difference with regard to opening Parliament, however, could not be a week. If that House voted the two Motions for the four first Resolutions to be carried up to the Prince, and the fifth Resolution to the Queen, that night, they would the next day carry them to the Lords, who would discuss the propriety of voting them, and probably might vote them the same day; in that case it was not impossible that they might receive his Royal Highness's answer on Thursday. And the execution of what had been called on the other side of the House a phantom, (but which he trusted, when explained, would be found not to be an imaginary, incorporeal being, but of the solid and material substance of the Constitution) might either in that House or the other be entered upon the same day; if in that House first, the House of Lords might sit on Saturday, and the Bill be brought in and entered upon early next week, perhaps on Monday, and the whole system, as far as regarded that House, completed in the course of that week. An Hon. Gentleman, he observed, had said, that he was no enemy to any mark of respect and attention being shewn to the Prince of Wales, but that throughout the measure there had been a manifest want of attention and respect to his Royal Highness. The Chancellor of the Exchequer declared, he had never thought it necessary to take notice

tice of the numerous anonymous libels that had so industriously been put in circulation throughout the town and throughout the country. To such libels, avowed by no person, it was impossible to give an answer; but if any man thought there had been real ground for a complaint of want of respect and attention towards the Prince of Wales, in any part of his conduct, he called upon that man, in truth and in fairness, to state the instance, and he would cheerfully meet the charge. He considered respect to his Royal Highness the Prince of Wales as one part of his duty to his Sovereign; it was inseparable from it. But though he should be extremely sorry to be deficient in that exterior and ceremonious respect that was justly due to the Prince of Wales, yet what he owed to his Sovereign, to the Constitution, and to the People of England, was paramount to any personal respect due any where. Though it was paramount, however, to all degree of personal respect, it was not inconsistent with such a compliance with decorum; he ever had, and he ever would pay the same respect to his Royal Highness the Prince of Wales as to all the rest of the Royal Family, and to the Sovereign himself. The truest respect he could pay to all of them, was to cultivate the interests of that nation which the ancestors of the present Royal Family were called upon to govern, and to watch over the safety of that Constitution which his Royal Highness the Prince of Wales would one day be called upon to protect.

Mr. Grey rose as soon as the Chancellor of the Exchequer sat Mr. Grey down, and said, he felt himself rather awkwardly situated, and the more so, as he could not bring forward any charge of the nature in question without appearing to speak from some authority; but as he had undoubtedly accused the Right Hon. Gentleman of having treated his Royal Highness the Prince of Wales with want of respect and attention, he would proceed specifically and distinctly to make out what appeared to him to be sufficient grounds for that charge, being determined never to flinch from what he should at any time say in that House. Whether what he should offer might appear in the same point of view to the House, was not for him to determine; he only begged them beforehand to understand, that he spoke his own sentiments, without consultation with any one, and without the privity and concurrence of any individual whatever. The Right Hon. Gentleman appeared to him to have shewn

a manifest want of respect and attention to the Prince of Wales, in the first place, in the manner in which, when the Privy Council was summoned to examine his Majesty's Physicians, the intimation of its being convened, and the object of it, was communicated to his Royal Highness, that being done by the same sort of ordinary summons as was sent to the other Members of the Council. This was, Mr. Grey said, either in the Right Hon. Gentleman, or the Lord President of the Council, a marked token of want of respect and attention to the Prince of Wales. The next want of respect and attention to his Royal Highness was, the Right Hon. Gentleman's not having submitted the whole of his intended plan to his Royal Highness, before any of the proceedings of Parliament took place, and, indeed, previous to its public statement in that House, to which he conceived an Hon. Baronet, who had spoken early in the debate, had alluded, when he had said they had been guilty of an indecorum, in not stating the Resolutions to his Royal Highness earlier. Another instance he should mention was chiefly grounded on public report, and that was the manner in which, when the proposed Restrictions were communicated to the Prince of Wales, that communication had been made. In that, as in the preceding instance, Mr. Grey said, he conceived there was a considerable portion of a reprehensible want of respect and attention to his Royal Highness. With regard to the charge of a want of system in the whole of the Right Hon. Gentleman's proceedings upon the subject of the Regency, which the Right Hon. Gentleman had thought proper to say had been wantonly and lightly urged, and had not been supported, as the Right Hon. Gentleman had now heard from him upon what the charge of having shewed a want of respect and attention to his Royal Highness the Prince of Wales was founded, so should he have the pleasure of hearing him restate the charge of want of system in his measures. The Right Honourable Gentleman seemed to consider his plan of proceedings as perfectly regular, as if one part of it sprung out of another, and the whole was a system of harmony and order, which they must all admire for its symmetry and beauty. In order to prove this, the Right Hon. Gentleman had gone into a recapitulation of their proceedings, from the moment of their having ascertained the fact of his Majesty's Incapacity. The Right Hon. Gentleman, however, had passed over one

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of these proceedings, and that an early one, of which he must beg leave to remind him, and that was his second Motion—that for a Committee to search for precedents—which he had introduced with an argument, that it was necessary for that House to have the advantage of the collective wisdom of their ancestors to guide and govern their conduct by, and yet when that curious publication, then upon their table, was referred to, it would be found that it was rather useful to teach them the errors of their ancestors, than to exhibit proofs of their wisdom, since the measures which the Right Hon. Gentleman had taken were not grounded upon any one of the Precedents contained in the Report, nor did they bear the smallest analogy to any one of those Precedents. It was evident, therefore, that the Right Hon. Gentleman had not gone upon any one system or method; he had had no plan arranged by a combination of all its parts, constituting a regular and complete system, but had led them on step by step, coming forward with separate and discordant propositions, just as the exigency of the day suggested.

The *Chancellor of the Exchequer* said, he should not notice the Mr. Pitt. latter part of the Hon. Gentleman's speech, because all candid and impartial men might judge whether he had or had not proceeded on one regular and uniform system, and he was perfectly content to leave the whole to that decision. He would only notice the charges of disrespect and want of attention manifested by him towards his Royal Highness the Prince of Wales; and so far was he from complaining of the Hon. Gentleman for having made the charges, that he acknowledged he felt himself highly obliged to the Hon. Gentleman for having stated them so fairly and explicitly, as it afforded him an opportunity, which he could not otherwise have had, of meeting them in the face of that House and of the public, which was the only way in which he could have noticed them, consistently with what was due to himself and to the country. The first charge of disrespect was a failure of respect in the manner of sending notice of the meeting of the Privy Council to the Prince of Wales; a charge which he might easily have got rid of, by saying, that if it was proved an error, it was not his error, but that of the Lord President of the Council. He disdained, however, to avoid taking his share of the blame that might be thought imputable to any measure of that venerable and respectable personage,

with whom it was the pride and happiness of his life to act, and if he had wished at any time to avoid such a participation of blame, he was convinced, from the degree of cordiality and confidence in which the noble and learned Lord and he lived, it would, in point of fact, be utterly impossible for him to have an opportunity of being placed in such a predicament.

The first part of the Charge was, that his Majesty's Ministers had not previously consulted the Prince of Wales what steps they were to take in the difficulty in which they found themselves involved in the execution of the trust confided in them by the King. He owned the truth of this Charge in that point; his Majesty's Ministers had not conceived it to be their duty to receive orders from the Prince of Wales, at a time that they were the servants of the Crown, and his Royal Highness was in no political capacity whatever, nor had any authority to give his Majesty's Ministers a single order of any description. They felt that theirs was the responsibility for every step that they took, and they knew that theirs ought of consequence to be the discretion. With regard to the method of sending the summons, and the charge that his Royal Highness had received no other than the ordinary notice sent round to every other Member of the Council, it was evident the Honourable Gentleman had been grossly misinformed in point of fact. So far from the event having passed as the Hon. Gentleman had stated, his Royal Highness received a special letter, written from the Lord President of the Council, stating the subject to be submitted to the Privy Council, and the business to be entered upon; his Royal Highness, therefore, had been summoned in a manner the most respectful, and totally different from that in which any other Member of the Privy Council had been summoned, excepting only the other Princes of the Blood. The next charge the Chancellor of the Exchequer observed, was personally against himself; it was the charge of not having acquainted his Royal Highness the Prince of Wales with the whole of his Plan, previous to his opening it in that House. To the truth of the fact alledged, he must also in this point submit; but he begged Gentlemen to recollect what had passed, and he believed it would be admitted, that the circumstances considered, it was a little hard, it should be made a matter of charge against him of want of respect
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and attention to the Prince of Wales. He had resolved, as soon as ever a plan should be adjusted, to communicate it to his Royal Highness the Prince of Wales, previous to his stating it to the House; but in the course of the debate in that House, when the question of Right was preliminarily under discussion, Gentlemen would remember, that he had been called upon particularly by a Right Hon. Gentleman not then in his place, to state the general outlines of his plan, the Right Honourable Gentleman declaring expressly, that it was equally a matter of information desirable to him and his friends, to know in what manner he meant to proceed. In the moment that he was publicly called upon, it was impossible for him to suppress the outlines of the plan, without offence to the House; he was under the necessity of giving them, and they were communicated to the Prince, according to his commands, the next day after the debate. He had not, he said, mentioned the particulars of the plan till after the question of Right was discussed, because as that question involved in it considerations, the decision upon which might supercede the necessity and propriety of that House deliberating at all upon any farther step to be taken, it was necessary to be discussed as a Question preliminary to any other proceeding. With regard to the disrespectful manner in which it was reported, that when the communication of the Restrictions intended to be proposed to the two Houses, was made to his Royal Highness, report had gone to such an extravagant length, that he believed it had gained credit about town, and he was sure it had been circulated in the country, not only that a message had been sent by a livery servant, but that the message had been a verbal one. The truth, however, the public were now apprized, was, that the communication had been made respectfully in writing, and the letter had been sent, not by a livery servant, but by a messenger, dispatched for the especial purpose. Perhaps, the Chancellor of the Exchequer said, there might be a failure in point of respect in this mode of communication. No man, he owned, was more ignorant of etiquette than he was, but he was conscious of no intention to shew disrespect to his Royal Highness. He had repeatedly made communications to his Royal Highness before, in precisely the same mode, without its having ever drawn upon him the smallest animadversion for a failure in etiquette, or having

been considered as an instance of disrespect; and during the five years that he had been in administration, he had never communicated any of the numerous papers, dispatches, &c. that he had, from time to time, had occasion to transmit to his Majesty in any other manner, and he was sure he had not intended to have shewn a disrespect to the Prince of Wales, in the instance alluded to, more than he had ever intended to shew a disrespect to his Majesty, during the period that he had been honoured with his Royal confidence. The Chancellor of the Exchequer concluded with saying, that he trusted the explanation he had given of his conduct in those particulars, in which a want of respect and attention to the Prince of Wales had been imputed to him, would prove satisfactory to the House; and he was persuaded, that no Gentlemen would be more happy than those, who had conceived there had been some reasonable plea for the charge. He trusted, therefore, they would in future consider the grounds of rumours, before they hastily gave them credit, begging Gentlemen to reflect a little on the candour of all other public rumours, and to judge of them by the little degree of truth he had proved to exist in the rumours that had been circulated so injuriously to his character, and so falsely at his expence.

Mr. Burke. Mr. *Burke* began by attacking the Chancellor of the Exchequer on the ground of Mr. Grey's charge. He said, he trusted not to reports, he knew what the Right Hon. Gentleman's behaviour, conduct, and manners were, and he knew him to have shewn great want of respect and attention to the Prince in the whole course of the proceedings respecting his Royal Highness. The Right Hon. Gentleman had talked of etiquette, and had denied that he had been guilty, and called for the proof. If they had been accusing the Right Hon. Gentleman of a crime, they must have recourse to the laws; but it was a want of civility and good manners, where both were so eminently due that they were charging him with, and that charge was easily made out. The Right Hon. Gentleman had said, that to treat the Prince with disrespect, was to treat his Majesty with disrespect; the Right Hon. was in that opinion correct, since those who injured the Prince of Wales, undoubtedly injured the King. That fact being admitted, what were they then to think of the Right Hon. Gentleman's not having consulted the Prince

Prince of Wales on the subject of convening the Privy Council, and the measures to be taken therein? The Right Hon. Gentleman had said, the King's servants were not to take orders from the Prince, but to consider him as any other Member of the Council. Was every man, he would ask, to be considered as shewing the necessary degree of respect and civility to the Prince of Wales, who because he was not by law bound to take orders from him, therefore chose to pass him by without notice? In what a peculiar situation did his Royal Highness stand! A grievous calamity had fallen on his family, and he had been thereby freed from the protection of a father, who if in a state of capacity would have guarded him from the insolence of his servants. There was an evident and a gross want of attention, and want of humanity, in the Right Hon. Gentleman's conduct. Since, in the case of an affliction fallen on a father, who ought to be consulted as to what was necessary to be done so soon as the eldest son? Was it not usual in all cases of illness and disaster happening to the head of a family, to have recourse to the next person in it, as the one most interested in the event of the affliction? Mr. Burke reasoned in this manner to some extent, and said, great incivilities, when premeditated, might pass into something of a higher nature than want of respect, and might be met upon other grounds, but, in considering that no more notice was due to the Prince of Wales than to any other Member of the Privy Council, there had been a reprehensible want of attention. He proceeded next to notice the Right Hon. Gentleman's having stated his plan in that House, before he had communicated the plan of his proceedings to the Prince of Wales.

The *Chancellor of the Exchequer* interrupted Mr. Burke, to remind him, that he had explained to the House the manner in which that explanation had been called for, which made it impossible for him not to give it.

Mr. *Burke* said, he did not allude to that; he considered the Right Hon. Gentleman's explanation on that head as perfectly satisfactory, and had, therefore, passed it over. What he meant was, the Right Hon. Gentleman's having forced the House to debate the Question of Right, without having previously communicated to his Royal Highness, that a Right, in which his Royal

Highness was so much interested, was about to be made the subject of discussion. That was, in his mind, a great indecency, and the more so, after the humble, satisfactory, respectful, but at the same time dignified manner, in which that discussion had been deprecated by the Duke of York, and a declaration made, that his Royal Highness the Prince of Wales, from a thorough regard to the Constitution, whatever right he might have, was willing to accept the Regency on such terms as the two Houses of Parliament should think proper to give it. He praised the fraternal affection manifested by the Duke of York, which he said, proved his Royal Highness to be a worthy person, and afforded well grounded hopes that he would be ready and willing to assist his brother. With regard to the manner of communicating the intended Restrictions to the Prince of Wales, Mr. Burke said, when papers were sent to his Majesty, the usual mode of transmission was by a Black Box, which was deemed respectful, the Box being considered as marking the respect; he dwelt on the idea of the Black Box, and said, he would leave the degree of disrespect manifested in this instance to the judgment of the public, who would, doubtless, decide it in their usual manner. No doubt those who approved the Right Hon. Gentleman's conduct would have imitated it, had they been in his situation. Having gone through the charges of want of respect and attention, as imputed to the Chancellor of the Exchequer, Mr. Burke proceeded to treat on other topics, and to speak more immediately to the Question then before the House, and to argue that it was, as his Hon. Friend had stated it to be, nothing more than a direct endeavour to create unnecessary delay. He said, they had been taught the preceding day to think, that the business of the Address would have come on in the House of Peers; why it had not done so, he could not tell, but he saw no reason whatever for losing a week. The Hon. Gentleman had said, they could not receive the answer of his Royal Highness before Thursday, and that they could not sit on Friday? He asked why not sit on Friday? Friday was the true day, the only day proper for such business! The day on which the nation was to commemorate the extinction of monarchy, which had not been effected without the spilling of blood, and therefore Friday was, of all days, the most fit for taking that step, which was to annihilate the

Constitution,

Constitution, and to change the form of our Government. Whether the putting off the business in the House of Lords the preceding day, had been owing to a difference among Ministers, he knew not, but there was a little bird, a small Robin-red-breast, which said, that something like it had happened; and when he talked of a little bird, he borrowed the idea from the Right Hon. Gentleman's father, who had said, a little bird told him, that the Lords of the Bedchamber were, at a certain time, disposed to exercise their influence in a manner not quite proper. The same bird, Mr. Burke said, had whispered him, that there was a reason for not proceeding as had been intended, and suddenly shifting the business upon their shoulders. Perhaps, he observed, the other House were not yet recovered from the effect of that extraordinary burst of the pathetic, that had been exhibited the other evening; they had not dried their eyes, and been restored to their former placidity, and were unqualified to attend to new business. The tears shed in that House on the occasion to which he alluded, were not the tears of patriots for dying laws, but of Lords for dying places. The iron tears that flowed down Pluto's cheek, rather resembled the dismal bubbling of the Styx, than the gentle murmuring streams of Aganippe. In fact, they were tears for his Majesty's bread. Those who had been fed by the King's bounty, were supposed to have deserted him in his utmost need. There was, he said, a manifest difference between that House and the other; between Patricians and Plebeians. They, in an old fashioned Plebeian way, would have said, "if we can no longer serve the King, we will no longer receive his wages; we will no longer eat his bread;" but the Lords of the Household held a different language, and pursued a different conduct; they would stick by the King's loaf as long as a single cut of it remained. They would fasten on the hard crust, and would gnaw it while two crumbs of it held together; and, what was more extraordinary, they would proudly say at the time, that it was the honour of the service that they regarded, and the dignity of their offices; as to the emoluments, they did not value the money *three skips of a louse*. This was gratitude, a degree of gratitude which Courtiers never failed to exhibit! Under that roof they considered mankind as subject to human frailty, and dreading the effects of that infirmity, to which all human nature

was

was equally subject, had tried to guard against it, by voting again and again, that Officers of all and every description, should be disqualified from sitting in that House. But the Lords of the Household were a different order of beings; they were beyond the reach of influence; they were a set of Saints and Philosophers, superior to the lusts of the flesh, and the vanities of the world. After pursuing this irony to some extent, Mr. Burke took notice of the Right Hon. Gentleman's having called his Hon. Friends the Champions of the Constitution, and declared that they ought to be such. That they were placed there for that purpose, and they would abuse their trust if they took powers which did not belong to them, in order to flatter another with a degree of authority that did not belong to him, or in order to deprive another of a right which did belong to him. The Right Hon. Gentleman was bound to shew, why he chose to prefer a limitation of the Regency in point of time, to a limitation of the Restrictions. His Right Hon. Friend, who was absent, Mr. Burke said, had not declared that he approved of that limitation, but had said, if they meant to make a Republic, he should, in that case, approve of a limitation of the Regency, and an annual Election. He should approve of it for the same reason. If they chose to make a Republic, why did they not make it in a manly way, and openly declare their intention? If he were asked, did he hate a Republican speculation? he would answer, No. But he knew a Republic could not be speculated upon, according to our Constitution. He loved, he revered, he adored the true principles of a Republic, but was that the mode of instituting a real Republic? "Oh Republic! exclaimed Mr. Burke, how art thou libelled? how art thou prostituted, buffooned, and burlesqued? Oh fabrick! built after so many ages, and cemented by the blood of Patriots, how art thou degraded?" As well might it be said, that the mutilated creatures of the Opera House were the representatives of Heroes, the true and perfect Cæsars, Catos, and Brutusses of Rome, as that strange and jumbled chaos, the representative of a real Republic. Such an attempt to establish a Republic as the present, was the certain way of having a monster set over them, and introducing the most hypocritical sort of Government that could be resorted to.

Mr. Burke

Mr. Burke reprobated the idea of the fiction of law, that was to be made use of to open the Parliament, and said, he never had heard of a phantom being raised in a private family, but for the purpose of robbing the house. So far from being a representative of the forms of the Constitution, it was, he said, a masquerade, a mummer, a piece of buffoonery, used to burlesque the Constitution, and to ridicule every form of Government! A phantom conjured up to affright propriety, and drive it from our isle! An hideous spectre, to which, in the language of Macbeth to Banquo's Ghost, it might be said,

Avaunt, and quit my sight! Let the earth hide thee!

Thy bones are marrowless, thy blood is cold;

Thou hast no speculation in those eyes,

Which thou dost glare with.

And so in fact it was with this political Spectre; its bones were marrowless, its blood was cold, and it had no speculation in its eyes! He reprobated it, therefore, as a Chimera, a Monster taken out of the depth of Hell. Mr. Burke spoke of the letter of the Chancellor of the Exchequer to the Prince as conveying private intimations, which he would not publicly avow; and said, as to the Right Honourable Gentleman giving his word, he might do that as he liked; but if he did not agree to a special limitation of the Restrictions, his faith was broken; because, if they passed the Bill, without any clause of limitation, they gave the lock and the key to the door of revision and limitation out of their own hands, and delivered both over to the other House. These were dangerous things, and he would say that they were illegal, and unfortunately without remedy. The people at large, who were deluded and acted upon that delusion, could not be punished, because it would be a massacre; but what should they say of those who mislead the people, and, under a pretence, of an ardent zeal for the Constitution, endeavoured to advance the purposes of their own private ambition? Mr. Burke added further remarks, and, in the course of his speech, introduced several apt and pertinent quotations from the ancients. Mr. Burke concluded with stating that for the reasons he had mentioned, he should support the Amendment of his Hon. Friend.

Mr.

Mr. Pulteney.

Mr. Pulteney rose to explain the Motion which he did not make on a former day, but only had stated loosely to the House. When he had risen for that purpose, it was, *Mr. Pulteney* said, a very late hour, and Gentlemen probably were so fatigued, that they had not paid it that degree of attention, which they otherwise would have done; hence, he supposed, the tendency of the motion was so much misapprehended as he found it had been. Gentlemen talked of his Motion having a tendency towards introducing a Republican form of Government. It had no such tendency, and he should have imagined that his principles were too well known, for any man to have supposed he was inclined to be a favourer of republican notions. He never had inclined to favour them, on the contrary, he was an advocate for a limited monarchy, and thought as highly of the monarchical principles of our Government as any one man living.

Mr. Sheridan.

Mr. Sheridan said, he wished to bring the Debate to a conclusion, and should, therefore, propose a farther Amendment, that he trusted would remove all the Right Hon. Gentleman's objections. The House might hereafter debate on the Honourable Gentleman's intended Motion of limitation, which he must still contend was adverse to the interests of the country, and tending towards a Republican form of Government, consequently could neither be advantageous to the present or future prospects of the Prince.—

Mr. Pulteney.

Mr. Pulteney interrupted *Mr. Sheridan*, for the purpose of declaring that what he proposed was for the benefit of the Prince and of the country, and not more for the advantage of the one than of the other.

Mr. Sheridan.

Mr. Sheridan said, the House would then perceive the want of system. The Honourable Gentleman had on a former night suggested of a sudden, an intention to propose a limitation of the existence of the Regency, which he had just told the House he meant to persist in, and should state more fully hereafter, with that the Right Hon. Gentleman had professed an acquiescence, and after having stated that his mode of proceeding, was a mode that was not to be changed, had, in a manner, agreed to receive the Honourable Gentleman's proposition, and to change it hereafter. To what end then, vote the proposed Address to the Prince

Prince of Wales? If they adopted any additional Regulation, or made any alterations, they would necessarily have to do the business they were now about, over again, and to send up a second Address to the Prince to learn, whether, in the altered state of the Restrictions, his Royal Highness was yet willing to accept the Regency. Mr. Sheridan pressed this argument, and then said, in order to obviate the Right Honourable Gentleman's scruples, he should propose an alteration to his Amendment, which he did not think the Right Honourable Gentleman could object to. If he had understood what the Right Honourable Gentleman had said before upon the subject, he had signified that his objection to the amendment was, that it was, what the Right Honourable Gentleman had termed, *a partial selection* from a paragraph in his letter to the Prince of Wales, and that he had left out certain words of importance. He could not, Mr. Sheridan said, consider those omitted words in any other light than as words of superfluousness; but in order to satisfy the Right Honourable Gentleman, and to remove all his doubts, he had now taken those words of the Right Honourable Gentleman's letter, that the Honourable Gentleman had complained were omitted in the motion. The matter would then go clearly and without reserve to his Royal Highness, and they would see by his Royal Highness's answer, what steps they ought next to take. The words Mr. Sheridan meant to add to his motion, were these, "but if, unfortunately, his Majesty's recovery should be protracted to a more distant period, than there is at present reason to imagine, it will be open hereafter to the wisdom of Parliament to re-consider these provisions." Mr. Sheridan read that part of the Motion on which the Right Hon. Gentleman had relied, as marking, in the Right Hon. Gentleman's mind, that the Restrictions were calculated merely for the present exigency, and were, consequently, only of a temporary nature. He asked if those words conveyed so clearly, distinctly, and intelligibly, that the Restrictions were permanent and not temporary, as the words of his Amendment did? Why then, he said, would the Right Honourable Gentleman use dubious words, when he might speak plainly and directly? The Right Hon. Gentleman had before said, his letter was partially quoted. He had now taken the part that was omitted, and added it to the other;

other; he did not, therefore, think the Right Hon. Gentleman would object to it, if he meant to do justice to the Public and to the Prince.

Upon the Question put, that the House give leave that the first Amendment might be withdrawn, in order to give Mr. Sheridan an opportunity to join the first and second Amendment and move both as one Amendment, leave was given, and the Question was then put on the whole of the conjoint Amendment.

The strangers were then desired to withdraw, after which a debate took place, wherein Lord North, Mr. Powys, Mr. Dempster, the Chancellor of the Exchequer, Mr. Wyndham, and Mr. Burke took part, and in which much was said on the different parts of the argument, as well regarding the mode of issuing a Commission under the Great Seal, as on the other particulars of the system of principles that the House had laid down.

Mr. Dempster. Mr. Dempster stated to the Chancellor of the Exchequer, that there were two modes of exercising the Royal Authority under a commission, the one by a Prince of the House of Brunswick, the other by a subject. The former he should conceive to be the most proper one, but he appealed to the Right Hon. Gentleman, which of the two would be the most proper?

Mr. Pitt. The Chancellor of the Exchequer said, he could not agree with the Honourable Gentleman, that the mode he had preferred, was the best.

After about an hour's debate, Mr. Sheridan's Amendment was negatived without a division, and the main Question carried.

ADDRESS TO THE QUEEN.

Mr. Pitt. The Chancellor of the Exchequer next moved his Address to the Queen, in order to know if her Majesty was willing to accept the care of his Majesty's Person, and the management and controul of the Household, as stated in the fifth Resolution? The Motion was as follows:

“ That the Resolution, which relates to the care of his Ma-
 “ jesty's Person, and the management of his Majesty's House-
 “ hold being in the Queen, should be communicated to her Ma-
 “ jesty with an Address, humbly desiring her Majesty to take
 under

“ under her care those important trusts, as soon as an Act of Parliament can be passed for that purpose.”

Mr. *Burke* spoke on this Motion, and hinted at the necessity of moving certain Restrictions and Limitations on the powers to be vested in her Majesty by this Resolution. Mr. Burke.

At half after Nine the House voted the second motion, and a Conference was ordered to be desired with the Lords the next day, in order to deliver the two motions, and desire their concurrence.

Monday, February 2.

As soon as the Managers returned from the Lords, Lord *Graham* reported the conference, and that he had received from the Lord Privy Seal a Resolution to which they desired the concurrence of the Commons ; the same having been read by the Clerk, the Chancellor of the Exchequer rose, and appeared at the Bar with the answer of his Royal Highness the Prince of Wales to the Resolutions of the two Houses presented to his Royal Highness on Friday last, which the Chancellor of the Exchequer read, and then, upon Motion, was ordered to bring it up, when it was read by Mr. *Hatfield*, the Clerk.

Lord *Courtoun* also reported the Answer of her Majesty to the joint Address of the two Houses, which was afterwards read at the Table. L. Courtoun

COMMITTEE ON THE STATE OF THE NATION.

Previous to the House resolving itself into a Committee on the State of the Nation, Mr. *Brandling* rose, and desired the attention of the House. He said, in a late debate, it probably might be conceived that he had gone too far. He agreed that it was improper to make use of any expressions tending to call in question the conduct of any man in his absence. Had the treatment he had, on the day to which he alluded been less harsh, he was almost ready to say less revengeful, he was sure he should have recollected himself, and set the matter right ere he had sat down. If he had

used

used any expressions that appeared to be improper in consideration of that House, he took, that opportunity of declaring that he was sorry for it. He begged to be understood, however, as declaring that he never would retract any expression that he thought applicable to the public conduct of any man who had broken his promise, and behaved in a manner unbecoming the necessary behaviour of one gentleman to another. Mr. Brandling added a few more words, and concluded, that he should ever be anxious of meriting the good opinion of the House.

Mr. Pitt.

The *Chancellor of the Exchequer* said, he did not think it would be necessary to detain the Committee long in stating the reasons that he entertained, which induced him to come forward, and propose the Motion, that had already been voted by the other House of Parliament. He said, that by what had been agreed to in this, and in the other House of Parliament, it was necessary and incumbent upon them to pursue the necessary means for supplying the temporary deficiency of the executive power; they had agreed, that no right to exercise the Royal Authority existed in any person during the present calamitous suspension of the exercise of the Royal Authority, and that no person could exercise such authority, but by the appointment of the two Houses. By the law and by the constitution it was evident, that no such right existed; it was then to be asked, whether in providing for the deficiency of the third branch of the Legislature, they were to act in their own name, or in the name of the King? To him it appeared immaterial, being substantially the same, which ever mode should be adopted. The first question then that arose was, whether they should proceed with the Royal Assent or no? The second question was, in what manner was that assent to be procured? He was of opinion that they should proceed with the assent of the King, for many reasons, the principal of which was, that the King was still upon the Throne. Many, he said, had attempted to ridicule the power of obtaining the King's assent, and the political capacity of his Majesty; they would, however, find, that neither were inconsistent with the fundamental principle of the law, or contrary to common sense; for if it had ever been agreed to, that natural incapacity in a Sovereign, took from him his political capacity, there would long since have been an end to heredi-

hereditary succession, which must have been frequently interrupted. The political capacity of the King was, in his opinion, clear; the Great Seal was the organ of the will of the King; by that instrument the will of the King was proclaimed. Speaking of the effect of the Great Seal, he said, that even were the Lord Chancellor to use it with so much impropriety as to merit punishment, that, notwithstanding such an abuse of his power, the instrument he affixed it to would be, and must be considered as law, which nothing could shake but an Act of Parliament. If the power of the Great Seal was, when improperly used, of such force, would any man say that when used on the emergency of the moment, for the public safety, and under sanction of the united wisdom of the two Houses, that it would either be disputed in the Courts of Justice, or that the officer so using it would be in the least censurable? It was evident, therefore, that there was a mode which might be adopted, which might run in the name of the King, Lords, and Commons. The only question then that could arise would be, whether the two Houses should take upon themselves, in their own name, the legislative act of appointing a Regent, an officer unknown to the law and Constitution, or whether they should proceed in the measure proposed, of ratifying their Act by the name of the King? The two Houses were bound to act up to the necessity of the case, and to do no more. They would do no more by complying with the requisition of their Lordships; they would adopt a form in their proceedings that could not be disputed by the Judges. It was fortunate for this country, that it had a Constitution so formed, that it was nearly impossible that any circumstance could occur that would destroy the Government of the country: in case of the Throne being vacant, the two Houses of Parliament had power to act by themselves, and in their own name; the Throne, when vacant, caused the whole power to return to the people, by them again to be delegated by the two remaining branches of the Legislature, who were the legal organs through which the sentiments of the people could be collected. At the Revolution, the Parliament acted up to the true principles of the Constitution, they acted on their own authority, in their own name, when the Throne was vacant; the Right which at present devolved to the two Houses of Parliament was a different Right, they were to provide for a sus-

pension of the executive power while the King was upon the Throne; acting, then, upon the same principles which governed our ancestors at the Revolution, they ought to act without the personal attendance of his Majesty, but not without his name; and were, in his opinion, empowered to direct the use of the Great Seal: in such use of the Great Seal, there would not be, as had been asserted, a fraud, or a fiction; they would be but acting up to the principles of the Constitution, and to the emergency of the case; and in acting upon any great emergency, it was necessary and prudent, as far as possible, to abide by the forms of Law and the Constitution. The two Houses had provided for the return of his Majesty to his Government; they had provided for the dignity of their King during his indisposition; they had agreed to appoint one to exercise for him, and in his name, the Royal Authority; but they were to remember, that they were not about to appoint a King, but a person to act in behalf and in name of a King. The other side of the House had gone upon the ground that there would be no grossness in the Prince continually putting the Great Seal in the King's name to different instruments, but there would be grossness and great impropriety in the Parliament doing so, and that they ought to proceed without the King's name: no man, he hoped, would argue so; no such argument, he was convinced, could be supported; it was plainly necessary that the Great Seal ought to be applied to give law to the Resolutions and Opinions of the two Houses of Parliament. He could see but three possible ways for the executive power to be restored: The first was, on an opinion generally condemned, that there existed some person in the country, who could assume that power without the authority of Parliament; the second was, that a person could take upon himself such power by a Resolution or Address of the House; and the third was, by the mode proposed of passing an Act for the purpose; and of those different modes he conceived his arguments would enable every man to judge which ought to be taken. If the Great Seal was admitted, as a Royal Act, where then could be the doubt of the propriety of appointing the person holding it to use it for the purpose of giving the King's sanction to the measure of the two Houses: those who argued against that, must either argue in support of a right existing in some person to

assume

assume the royalty, a right deprecated and condemned by the country, or they must agree to the country remaining in its present state; for no one could assume the Royal Authority, and the appointment rested with the two Houses, who were alone to direct the use of the Great Seal. Many acts, he said, had been quoted against the two Houses exercising the power proposed; those acts were, however, quoted from times when Kings were on the Throne in full health, and were totally inapplicable to the present situation of the Throne, when occupied by a monarch labouring under a temporary incapacity. The same principles, he conceived, which guided our ancestors at the Revolution, must be the guide of their conduct at present. Not thinking it necessary to trouble the Committee further, until he heard some objections to the mode proposed, he moved, "That the Committee do agree with the Lords in this Resolution."

Mr. *Dempster* asked, whether it would not be necessary and Mr. *Dempster* proper to move a second Resolution to which his objections were ^{ster.} principally applicable. He thought it would be more convenient, more handsome, more firm, and more just. Mr. *Dempster* wished the Right Hon. Gentleman would explain himself on that point, thinking the whole ought to be stated before the House proceeded at all in the business.

The *Chancellor of the Exchequer* thanked the Hon. Gentleman Mr. *Pitt*. for having reminded him of what he had accidentally omitted to explain. His arguments undoubtedly applied to both Commissions; the object of the first, which he now proposed, went only to opening the Parliament; the second would be to pass the Bill of Regency, and in form would be similar to that signed by Lord Chancellor Hardwicke, in times of great authority.

Mr. *Dempster* condemned the mode proposed, as going a step Mr. *Dempster* beyond the necessity of the case, and, therefore, unnecessary and ^{ster.} unconstitutional; he considered it as an ungenerous and an unmanly attack upon the Prerogatives of the Crown when there was no one to defend them; the mode pointed out by justice and the Constitution he conceived to be an Address to the Prince to take upon himself the exercise of the Regal Authority; they ought, therefore, as a necessity existed to put the Great Seal to a Commission, to appoint by such Commission the Prince of Wales

Regent, with the full powers of assent and dissent, and all the other Prerogatives of the Crown; if they did not do this, there was, he said, nothing to hinder them from continuing the Session, till God should please to recover the King, for Commission after Commission might be issued, in the King's name. The Prince of Wales, Mr. Dempster contended, ought to have been chosen alone.

Pepper
Arden.

The *Master of the Rolls* desired, if any Amendment was intended, they might move, that if his Royal Highness was appointed to the exercise of the whole Royal Authority, that it would be doing no less than dethroning the King.

Mr. Demp-
ster.

Mr. *Dempster*, in reply, said, he meant no more than to appoint the Prince, with the power of assent and dissent, to open the Parliament, instead of its being opened by the Commissioners proposed.

Pepper
Arden.

The *Master of the Rolls* said, such a measure would exceed the necessity of the case, and, therefore, be improper, as it would be at once putting the power out of their own hands, and rendering it possible that no Bill would be agreed to, but what might contain powers exceeding the necessity of the case.

Lord North.

Lord *North* said, the idea of the Hon. Gentleman behind him seemed to him to be more legal and constitutional than that of the Hon. Gentleman over the way. His Lordship said, he was not acquainted with law, but he had some knowledge of the general principles of the Constitution. If the powers of assent and dissent were not given to the Representative of the King, no act that was passed could be considered as an Act of the three Branches of the Legislature, but as an Act of the two Houses; the mode proposed he deprecated. He did not, he said, quarrel with the Gentlemen if they gave the form of the Constitution for its substance; as giving the Great Seal, instead of the fundamental principles of the Constitution. His Lordship observed, upon the doctrine of no man having a right to aver against a record; they would, however, have a right to dispute this being a record. He spoke of the answer of the Prince, in terms of warm eulogy, after which answer he considered, that the Right Hon. Gentleman carried his jealousy too far, by taking measures as if he thought the Prince would break his word. After dwelling for a few minutes on the

pro-

propriety of the Prince's conduct, and on the impropriety of the mode proposed, he said, the answer of the Prince must diffuse general satisfaction, and create an agreeable surprize through the country, and do away those false alarms which had been industriously circulated of a right having been asserted in the Prince to assume the Sovereign authority, independent of the two Houses of Parliament. He was sure that the country being convinced of that right having never been asserted, that all who had sent up Addresses for the refutation of that Right, from the Burgesses of Edinburgh and Glasgow, and from the Western Towns and Counties of England, would be happy and rejoice in seeing the Prince's answer, which fully refuted the false assertion of such a Right having ever been made. His Lordship concluded with asking if the three Branches might not in a choice of irregularities, avoid the present circuitous mode, and take the direct and obvious path of declaring the Prince of Wales Regent.

Lord *John Townsend* declared, his understanding was too dull, and he believed reason would remain so, to conceive what was meant by the King's political Capacity remaining entire, which was so constantly asserted. He wished to ask one question, Was there a dissolution of the Government or not? He should be answered there was not, that the courts of law were kept going on, that private property was protected, and all legal business executed as usual. If, then, there was no dissolution of Government, what pretence was there for the people to interfere? They having delegated their authority they had no right to interfere; it followed of course that the Government was dissolved, or that they had no right whatever to interfere. His Lordship reprobated the mode proposed, as forming a maimed and crippled Government, and quoted the Acts of the 33d of Henry the Eighth, and the 1st of Philip and Mary, to prove the illegality of any commission without the King's signature. The plan formerly proposed, his Lordship said, by that side of the House, of addressing the Prince of Wales to take upon himself the exercise of Sovereign Authority, would have at once prevented all fraud, all fiction, and met the ardent wishes of the people. Had this been done, there would have been a person to have given his assent or dissent,

and to have affixed his signature to a Commission so as to have given it full authority.

Mr. Elliot. Mr. *Elliot* rose to say a few words, in answer to the noble Lord's arguments. He said, if Gentlemen adverted to the Bills of Regency that had last passed, they would have found, that in those Bills the powers of the Crown were not all vested in the Representatives of the Crown. That by those Bills, not only the Representatives of the Crown were restrained from generally exercising the Prerogatives of the Crown, but that the Legislature itself was in a similar degree restrained from exercising its own undoubted rights and privileges. Mr. Elliot explained himself to allude to three specific Bills, which the Regency Bills in question restrained the Representatives of the Crown in particular, and the Legislature in general, from either assenting to on the one hand, or discussing and debating on the other. Mr. Elliot spoke of the undoubted right of the Prerogative of the Crown to give its dissent to all Bills passed by the two Houses, and argued from that admitted fact, that the suspension of that Constitutional Power must be attributed to the necessity of the case, which had then, as it did now, superceded every other consideration.

Sir A. Macdonald. The *Attorney General* began with paying a compliment to Mr. Elliot, declaring that the Hon. Gentleman who spoke last, had with extreme good sense, and a degree of diffidence that always accompanied extraordinary good sense, given in a few words, what he considered to be an unanswerable argument. The noble Lord who spoke last but one, the Attorney General declared, while he affected perfect ignorance of what was meant by the political capacity of the Crown remaining entire, had given the very best definition of that political capacity that any man had as yet attempted. The noble Lord had said, the Courts of Law went on, private property was protected, and justice administered regularly. That was the precise distinction between the present case and the case at the Revolution. At that time all the functions of Government were stopped. There was not a magistrate, from the Lord Chief Justice down to the meanest Constable, who had any authority whatsoever; the whole machine of Government was impeded, checked, and obliged to stop. At present the
case,

case, he thanked God, was far different ; all the functions of constitutional capacity, excepting only the few instances in which the personal exercise of the Royal Authority was necessary, were in action the same as before. The noble Lord had asked if there was not a dissolution of the Government, what occasion there was for an interference of the people ? If the noble Lord would take the trouble of adverting to the real state of the country, he would find that there was occasion to resort to the representatives of the people the true source of power, in order to provide for the present emergency, and that, in all cases of difficulty, that doctrine had been uniformly laid down, and its beneficial effects stated. Having replied to the material part of Lord John Townshend's speech, the Attorney General observed, that the Honourable Gentleman under the gallery had described the present situation of the two Houses with peculiar force and peculiar propriety. He had stated, that the necessity of supplying the defect in the exercise of the Royal Authority devolved on the two Houses. It undoubtedly did so, and it was their duty to proceed regularly, and constitutionally to appoint a Regent, delegating into his hands, such of the regal powers as in their apprehension should seem meet, and necessary for the carrying on of a good government. With regard to a Regent, which they were advised in the first instance to chuse, let those Gentlemen who contended for such an appointment shew him where such a creature, as the law stood, was to be met with ? Where was it to be found but in the body of an Act of Parliament ? They who had said, they might supply the deficiency by addressing the Prince of Wales, could not seriously mean what they said. Unless in the cases of extinction of all the branches of a Royal Family, or what was the same thing, the extinction of the family's claim by forfeiture, as in the case of King James, there was no means of filling the Throne, but that proposed. The only way was for the two Houses to seal a Commission appointing Commissioners to open the Parliament. Mr. Attorney General said, if they did not assent, and if they gave their voice in the affirmative, to supply a dissent, how did they do their duty in respect to the object proposed ? The noble Lord had said, suppose the Regent should give a dissent, but that

it was not likely, because that he had given his word, and would not depart from it. He never upon great public questions, Sir Archibald said, founded his opinion on personal confidence. He had expressly laid in his claim, early in the debates on the subject, to consider it as the case of a Prince of Wales and not as the case of *the* Prince of Wales. He disclaimed, therefore, all idea of personality, and would proceed to speak of the Bill upon its own grounds. If the Bill were enrolled, they were bound by it. The Attorney General proceeded to argue upon Commissions that were enrolled, and those that were not; the Commissions in Henry the Seventh's time, were, he said, enrolled; in Henry the Eighth's, but few were enrolled. In the reign of James the First the practice ceased. The Attorney General reasoned upon a variety of collateral particulars, and contended that the signature of Henry the Eighth to the Act attainting the Duke of Norfolk was a forgery. The Attorney General added a great many other particulars to enforce his argument, and asked if there could be a grosser fiction, than that of a child being seated in Parliament, the Chancellor bowing to him gravely, he returning the same bow, and the Chancellor saying it was the King's pleasure that they should proceed so and so. The Attorney General observed, that the noble Lord had spoken of the conduct of the inhabitants of Glasgow with some derision; he begged to recal the word, he meant with some degree of pleasantry. He enlarged a little on this idea, and considering it as much their duty to vote the Resolution as it was their duty to vote the Question of Right to be in the two Houses, when it had been asserted that a right existed in the Prince, he concluded with declaring, that he should give his vote for the Motion.

Lord North. Lord North said, he had not spoken of the proceedings of the meetings at Edinburgh and Glasgow with any derision; he conceived that they supposed the Propositions moved and voted in that House, had done them a great deal of service. His Lordship spoke ironically of the pleasures the people would derive from the transactions that were going on, and said, there would be no end of their pleasures, until the precedent they had set this day had gone into a principle that might overturn the Constitution. He repeated his doctrine, that the Representative of the third estate, ought

ought to be enabled to give the Royal Assent or Dissent to the Bill appointing the Regent, and that without it he was no true Representative of the Crown. His Lordship said, he held this to be the genuine doctrine of the Constitution.

The *Chancellor of the Exchequer* rose in order to prevent the Mr. Pitt. impression which, he said, the noble Lord had endeavoured to fix on that House and on the Country, by the use the noble Lord had made of the Answer of his Royal Highness the Prince of Wales to the Address of the two Houses. The noble Lord said, his Royal Highness had answered very graciously, and that there had been a general alarm spread throughout the country, lest the Question of Right should be supported. He denied the truth of that proposition, and appealed to the House, when that question was in agitation, whether any person voted in favour of that Right. He said, the Right had not been claimed by the Prince of Wales, but had been asserted by others. That no man had been bold enough to have given his Royal Highness the advice to assert such a Right after the solemn decision of the two Houses of Parliament, was by no means a matter of surprize, and if any man was to be found so bold, it was not likely that a Prince of the House of Brunswick would have taken such advice. That his Royal Highness's acceptance of the Regency would be matter of joy to the people, he could admit, but not that it would be matter of surprize. They would not, however, be ready or willing to cast a censure upon Parliament for reprobating unconstitutional principles, held and started by those who now lamented their having ever asserted them, which they were afraid and ashamed to avow, and which they seemed willing to retract; principles which never again, he hoped, would for a moment be borne in that House or in the Country.

Mr. *Burke* denied that any thing had been retracted. He said, Mr. *Burke*. he looked the Hon. Gentleman full in the face, and if he was in error, was perfectly willing to retract it. The Right Hon. Gentleman had chosen with great judgment to attack a Gentleman when absent. The style of his spirit was of a tenor with that of his politicks, and he always attacked an enemy in a state of incapacity. The Right Hon. Gentleman had the opportunity of attacking his Right Hon. Friend, Mr. Fox, when he was absent and sick; he had, with the same judgment, attacked the prerogatives
of

of the Crown. His sentiments, he said, never should be expressed in the equivocal, insidious, and unbecoming language of the Right Hon. Gentleman's Resolution. Mr. Burke proceeded to assert the Right of the Prince of Wales, declaring that his Right was as clear as the sun, and that it was the duty of the House to appoint him Regent with the full powers of Sovereignty; his Royal Highness had a right in law, in justice, and in equity. After much at length enforcing the Prince's Right, in strong terms, he reprehended the Address of the Merchants of Lancaster to the Right Hon. Gentleman, condemning them for asserting that the Resolutions were consistent with the constitution of the whole empire, which he said was the most impudent audacity, dictating to the kingdom of Ireland, that they ought to appoint for their Viceroy, and the other great officers, the ministerial tools of the Right Hon. Gentleman. He stated at length the great mischiefs that might be apprehended with respect to Ireland, in consequence of the Prince's Right having been denied, and of the Right assumed by the House, declaring that they tended to militate against the unity of the Empire, and that if Ireland chose to make the Lord Mayor of Dublin Regent, or to appoint a number of Regents, we had not the power to prevent it. After reprobating the Resolutions, the mode of proceeding, and the delay, he said the plan now proposed was to adopt what deserved a worse name than a phantom—they were going to create Milton's monster of Sin and Death: Death to the Constitution, and Sin to the feelings of the Country; to those who were concerned in the measures carried on, who were creating innumerable barking monsters, howling at, and endeavouring to destroy every principle of the Constitution: they were going to steal the Great Seal, to commit a forgery and fraud to support violence, and to carry them on to their climax of villainy. If the House wished to preserve unity in the Empire, they ought to appoint a person to represent the King who was interested in the Empire; they ought to trust his Royal Highness upon his word, who hereafter they must trust without; by so doing they would save their Country, and none would suffer but ambitious men. Mr. Burke, amidst a variety of pertinent opinions, urged the argument of delay, and said, that the Convention Parliament, in the year 1688, sat on the 26th of December, and on the 12th of January they

they had completed all their objects, &c. finishing the whole in sixteen days.

While Mr. Burke was upon his legs, having alluded in some measure to Mr. Dundas, that Gentleman rose, and a short altercation ensued. Mr. Dundas denied that he had, either by gesture or otherwise, warranted the Right Hon. Gentleman in calling upon him.

Mr. *Burke* admitted that the Honourable and learned Gentleman Mr. *Burke* had not, and resumed the thread of his argument. He touched upon the object of all the Propositions, and with great heat and warmth reprobated the matter rendered the subject of the Proposition immediately before the House. He said, that House had no right to authorize the Lord Chancellor to put the Great Seal to forgery, fraud, and violence; that giving them the form of the Royal Authority instead of the substance, was to give them the sweepings of the cobwebs in Westminster Hall, and the smoke of the dish; and the danger that had been talked of, if they were to address the Prince of Wales to take the Regency upon him, reminded him of the giant who used to swallow a dozen windmills for breakfast every morning, and was afterwards choaked by a small bit of butter in July. In the present instance the Commission was said to be in form of an act of the Crown, and in substance an act of the two Houses. There never was, he said, a precedent in this country where the two Houses took upon themselves to exercise the legislative authority of the Crown. Necessity, he observed, had been generally termed the tyrant's plea, but, strange to tell, it was now held to be the guardian of our liberties. Mr. *Burke* argued that the Committee ought, in the present instance, to act liberally and fairly, and to trust the Prince upon his word, solemnly given in his answer to the Addresses of both Houses, since hereafter they must trust him without. That would, he said, give them union, that would give them liberty, that would give them peace.

Mr. *Rolle* rose as soon as Mr. *Burke* sat down, to rescue the Mr. *Rolle*. Meetings in the West of England from the censure that appeared to him indirectly to have been cast upon them by the noble Lord in the blue ribband. The Meeting in the County of Devon, Mr. *Rolle* said, had resolved to return thanks to his Right Honourable Friend

Friend for having asserted the Right of the two Houses of Parliament to provide for the exercise of the Royal Authority during the incapacity of his Majesty, and brought that Question to a decision, in contradiction to the Right asserted by a Right Hon. Gentleman, not then present, to exist in his Royal Highness the Prince of Wales to assume the exercise of that Authority, whilst his Majesty's illness continued. The question of the Right of the two Houses to provide for supplying the defect in the exercise of the Royal Authority, had not, Mr. Rolle said, been, as it was contended, unnecessarily brought forward, or upon light grounds. The assertion of the Right of the Prince of Wales to assume the exercise of the Royal Authority during his Father's incapacity, had not, indeed, been made a matter of regular claim, avowed on the part of his Royal Highness, but it had been deliberately urged by a Member of that House, who, from his extraordinary eloquence, his great abilities, his weight and authority in the country, owing to the recollection of the high offices he had filled in the State, certainly drew great attention on every thing that fell from him, and enabled whatever he said (especially respecting his Royal Highness the Prince of Wales, in whose confidence he was supposed to stand high) to make a considerable degree of impression on the minds of all who heard him. Mr. Rolle said, it gave him, and he doubted not it would give his constituents, great pleasure to hear that his Royal Highness the Prince of Wales had declared his willingness to accept the Regency on the terms proposed, and to submit to the Limitations and Restrictions voted by the two Houses. There had occurred one circumstance, however, since the signification of his Royal Highness's answer had been given, that he was sorry for, and which, he feared, would cause a good deal of uneasiness in the country; and that was, a certain secession that had taken place. [The House expressing some earnestness to know to what Mr. Rolle alluded,] Mr. Rolle said, he meant the circumstance of the Prince of Wales and the other Royal Dukes having desired their names might be omitted in the present Commission. An Hon. Gentleman, a worthy Alderman of London, Mr. Rolle observed, had taken upon himself to assert, at a late Court of Common Council, that he had taken the Address lately voted by the county of Devon ready drawn from the Treasury down to Devonshire. He knew not

not whether the Hon. Alderman [Mr. Sawbridge] was then in the House, but he took that opportunity of declaring, that so far from the alledged circumstance being founded in fact, he never saw the Address till he went down to Devonshire; that it was there drawn up by a previous Committee, of which his worthy Colleague and himself were Members; that it was drawn up openly and publicly, when one hundred, or a hundred and fifty persons were present; and that as the Quarter Sessions were held at the time when the General Meeting was summoned by the High Sheriff, the attendance of Gentlemen, Freeholders, Clergy, &c. was as numerous as one as perhaps ever was assembled, and the Address of Thanks to his Right Hon. Friend for his conduct was voted by almost the unanimous voices of the Meeting, a very few of the persons present signifying any thing like disapprobation.

Lord *North* rose again to exculpate himself from having said any Lord North. thing disrespectful to the Hon. Gentleman's constituents. He had not, his Lordship said, uttered a syllable that tended to convey the least reflection on the people of Glasgow and Edinburgh, and the West of England, for the conduct they had adopted in voting Addresses of Thanks to the Minister. When the people of Glasgow, of Edinburgh, and of Devonshire, had felt themselves called upon to vote their Thanks to the Minister, for having asserted the Right of the two Houses of Parliament to provide for the deficiency in the exercise of the Royal Authority, it was natural to suppose that they had imagined that Right had been disputed. He therefore was surely warranted in saying, that his Royal Highness's Answer to the Address of the two Houses would agreeably surprize them, by proving that his Royal Highness paid so much deference to the resolutions and opinions of the two Houses, that he professed himself ready to accept the Regency on any terms that the two Houses should think proper to grant it. His Lordship said, thinking that the people had felt the alarm perhaps too much, he conceived that their minds would now be quieted, but he had not an idea that they could feel any alarm from the secession of the Princes of the Blood, and from their having desired to take no share in a proceeding, which they did not in any part of it approve.

Mr. *Rolle* said a few words in explanation.

Sir

Sir James
Johnstone.

Sir *James Johnstone* said something about popery, and the abjuration of the power and authority of the Court of Rome. If he found any thing objectionable in the wording of the Commission then before the Committee, Sir James said that it was not strong enough. It stated, that the Lord Chancellor be *directed* to put the Great Seal to the Commission resolved on. Sir James thought that the Lord Chancellor ought to be *commanded* to put the Great Seal to such a Commission. The occasion justified the exertion of authority, and the Lord Chancellor dared not refuse the command of the two Houses of Parliament.

Mr. Sheri-
dan.

Mr. *Sheridan* said, he meant not to trouble the Committee with more than a few words. He rose merely in consequence of what had fallen from an Hon. Gentleman over the way [Mr. Rolle]. Mr. Sheridan denied that his Right Hon. Friend, who was not then present, had ever asserted the Prince of Wales's Right to assume the exercise of the Royal Authority without the adjudication of the two Houses of Parliament. The Question of Right was therefore unnecessarily agitated, because the doctrine of the Houses having a Right to provide for the defect in the exercise of the Royal Authority had never been denied. With regard to his Right Hon. Friend standing high in the confidence of the Prince of Wales, the fact undoubtedly was, that his Right Hon. Friend stood higher in the opinion of his Royal Highness than any other person; and the reason was, that his Royal Highness reposed the greatest confidence, where he found the greatest merits. With regard to the secession which the Hon. Gentleman had alluded to, the reason was obvious. It was extraordinary that the Minister should have been with the Prince of Wales the day before the Commission had been proposed in the other House of Parliament, and never consulted his Royal Highness, whether it was agreeable to him, or his Royal Brother, and Royal Uncles, to have their names respectively inserted in the Commission issued on principles repugnant to those contained in a protest, which the Duke of York had subscribed and recognized. As to the base coinage which was intended to be issued in the name of Royalty, without its bearing one feature of the Royal countenance, Mr. Sheridan said, after the able arguments that had been urged, and particularly in the speech of his Right Hon. Friend [Mr. Burke], of which it was enough barely to allude, he

would

would not pay so ill a compliment as to trouble the Committee with a syllable in addition to those arguments.

Mr. *Powys* rose to ask a Question relative to the words under Mr. *Powys*, which the Duke of Gloucester, in the early part of the reign of Henry VI. and the Duke of York, in the subsequent part of the same reign, exercised the power of giving the Royal Assent or Dissent to any Bill or Bills that were submitted to them for the Royal Assent?

The *Chancellor of the Exchequer* said a few words in reply, and Mr. *Pitt*, admitted, that although the Commission, stated in the Resolution, contained words of general power, enabling the Commissioners to do all that our Sovereign Lord the King could do, yet that it was necessary there should be a second Commission issued to complete the business. Mr. *Pitt* adverted to the two Commissions to which Lord Hardwicke had put the Great Seal in 1754.

Mr. *Powys* said, the Committee some time since, had a great Mr. *Powys*. number of Precedents submitted to them, on which, in the early stage of the business, much reliance had been placed, but they had all been abandoned, and two new precedents not stated in the Report of the Committee, appointed to search the Journals, were resorted to and chiefly relied on. Mr. *Powys* said, to those two precedents, viz. those of the two different Commissions to which Lord Hardwicke had put the Great Seal, he should say nothing, because in the case of both, there had been a King upon the throne, incapable, from illness indeed, of meeting his Parliament, but capable of judging and deciding upon every proceeding of Government necessary to be taken. Mr. *Powys* enlarged on the distinction between general powers so given by an actual, existing, competent authority, and general powers given by an imaginary, fictitious, and unreal phantom. To open a Parliament, there must, he said, be a person capable of authorizing the act, either the King himself, or the King's Representative. In the present case, there would be neither, but an empty shadow set up as the true reflexion of the King himself.

The *Solicitor General* (Sir John Scott) promised not to detain the Sir John Committee, but in a few words to explain why he advised them to Scott. order the Commission, now moved for, to be issued under the Great Seal, and why it would be right afterwards to put the Great Seal

to another Commission, in order to give the Royal Assent to the Bill appointing a Regent. Sir John said, he was glad that it had not been said in that House, that such a mode of proceeding was not legal. No man had ventured to make such a declaration; nor could any man have dared to have done it, that knew any thing of the law and the Constitution of the country. When he had troubled the House, when the Resolution, that it was their Right to determine on the means to provide for the deficiency of the exercise of the Royal Authority had been under consideration, the Committee would recollect that he had stated, that a Regent could not be appointed but by an Act of Parliament, and in order to pass that Act, there must necessarily be a Commission issued under the Great Seal to open the Parliament, and a subsequent Commission to give the Royal Assent to such a Bill as should be passed by the two Houses. That was the legal mode of proceeding; the other, that of addressing the Prince, to take upon him the Regency, a term unknown in law, was clearly illegal. If they addressed the Prince to take upon him the Regency, he could not be Regent, but by some such fiction as that now proposed to be resorted to. It was his duty, the Solicitor General said, as a professional man, to satisfy the House, that the mode of proceeding recommended to them was legal. It was a point on which they ought to be satisfied. In the course of the debate on the Resolution then before the House, he observed, that the Statutes referred to, as bearing upon the Question, were the 33d of Henry the Eighth, the Act of Charles the Second, and the Act of the first of Queen Mary, each of which pointed two ways; but if it was contended that those were *negative* Statutes, and they were to regard them in that point of construction; he begged leave to ask how were they to appoint a Regent at all? He denied it to be possible, because the consent of the Crown must be had to the Act, and it was well known to them all, that his Majesty could not attend in Parliament to signify his consent in person, neither could he put his sign manual to a Commission. The only mode of obtaining the King's consent, was by putting the Great Seal to the Commission for passing it, and making it a public Act. If it was so authorised that rendered it a public act, and if upon the face of it it expressed, that it passed by the consent of the King, Lords,

and

and Commons, the judges of the land could not dispute it. The Great Seal once put to it, gave it all the authority of law, and no enquiry could be had as to the mode of its having been passed. Sir John said, if Letters Patent passed without the King's warrant having been previously granted to direct such Letters Patent to be made out and sealed, yet having the Great Seal annexed to them, however criminal it might be in the person who should under such circumstances take upon himself to put the Great Seal to those Letters Patent, they would be of full force, and bind the King himself, although it might be known that his Majesty had not granted his warrant for making out such Letters Patent. Sir John remarked, that they were then discussing no question of politics, no question of party; they were all agreed as to the object; their sole object was to make the Prince of Wales Regent, on the terms of the Resolutions. The only difference of opinion was, which were the most safe, the most legal, and the most constitutional means of attaining their common object. He must contend, that the mode proposed in the Resolution voted by the House of Lords, and to which they were called upon to agree, was, in his opinion, the only legal mode in their option. If there was any other way, let Gentlemen in fairness and in candour mention it. Those who recommended the other mode, that of addressing the Prince to take the Regency, perhaps were not aware, that the Prince must in that case take upon himself to represent the King in the House of Lords, or if it were to give his consent to the Regency Bill, he must consent to appoint himself Regent, a sort of conduct that could not but draw down questions of his authority, and expose him to future difficulty. Sir John clearly pointed out the different degree of weight and sanction that must necessarily attend the Prince's appointment, when that appointment had the authority of a formal Act of Parliament, passed avowedly with the consent of King, Lords, and Commons, the three natural and constitutional Branches of the Legislature. He took notice of the contempt and ridicule with which the mode proposed had been treated, because it was deemed a legal fiction. There were, he said, many wholesome fictions of the law; the best security, even of the private rights of the subject, arose from some of those fictions of the law. The present might be called a *wholesome* fiction, inasmuch as it

saved the Constitution from danger, and proved, that so admirably constructed was that Constitution, that it contained in itself a provision for cases of the greatest emergency. But it was said, that the mode proposed went beyond the necessity of the case. He had on a former debate taken the liberty of laying it down as a maxim that the power that necessity creates, necessity limits. He should adhere to that position, and, in adhering to it, contend, that the proposed mode of ordering a Commission under the Great Seal, and afterwards another Commission to give the King's assent to the Bill, did not exceed the necessity of the case, but that the proposition of addressing the Prince to take upon himself the Regency, did go far beyond it. When the House had said that it was their right and duty to provide for supplying the defect of the Royal Authority, they clearly meant to empower themselves to order the Commission under the Great Seal now proposed, to be issued. He declared, it appeared to him ridiculous to exclude the Prince from his situation as a Peer in the House of Lords, in order to make him act as a King. He desired not to be understood as abandoning the Precedents on their Table. He relied on the Precedent in the early part of the reign of Henry the Sixth. In that reign, there were as great Lawyers as lived in this day, or as would live probably in the time to come; there were also in that reign some of that description of persons, who might, properly speaking, be termed *usurpers*, but both descriptions, the latter as well as the former, he well knew in all things wished to have the sanction of law for every one of their proceedings. It had been his duty, as it necessarily was the duty of those, who were from their situations called upon for advice what were the proper and legal steps to be taken in such an emergency, to inform themselves fully of all the Precedents our History afforded. He had not, he was free to acknowledge, with all his application to the subject, been able to satisfy himself what had been the actual fact, with regard to the Commissions issued under the Great Seal in the early part of the reign of Henry the Sixth, but of this he was certain, that many of them neither had, nor could have the King's Sign Manual affixed to them; and yet some of the soundest and most salutary acts on our Statute Book had passed during that period. He could not but observe, Sir John said, that those persons, who were willing

to give away the Rights of the King without scruple; and to invest the Prince with all the Royal Authority, in the life-time, and during the reign of his father, seemed to think only of the case of infancy. When he talked of the allegiance he owed to his Sovereign, it had been ridiculed under the idea, that it was idle to boast of allegiance to him, who was incapable of affording protection. To those who pleased themselves with that species of reasoning, he would ask, if the intended Regent was to leave a child, an infant of six months old, how would he like such a doctrine to be then insisted on? The present Commission, he said, expressed that it was made by consent of both Houses of Parliament; therefore, upon the face of it, it stated the case to which he referred. As the Bill was merely to constitute a Regent, it was quite a matter of indifference whether it was passed by one person or another, so long as it passed in the name of the King upon the Throne. Sir John adverted to the precedents in the reign of George the Second, when Lord Hardwicke had, in the year 1754, put the Great Seal to two Commissions, one containing general powers granted to certain Commissioners to hold a Parliament, the other to give the Royal Assent to the single Bill that had passed in that Parliament, a Bill of Naturalization. He compared these two Commissions with the Commission then under consideration, and that which it would be necessary to issue when the Bill should have passed the two Houses and be ready for the Regal Assent. Lord Hardwicke, he said, appeared to him to have his doubts, whether the general powers, conveyed by the first Commission, were sufficient to authorize those Commissioners to give the Royal Assent to the Bill that afterwards passed; and he collected that Lord Hardwicke had entertained such doubts, from the circumstance of his having issued a second Commission. But he observed, that Lord Hardwicke had chosen to reserve those doubts, and not to decide upon them by the terms in which the two Commissions were drawn; and their effect on each other, care having been taken by the noble Lord to insert a clause in the second Commission, purporting that the one should not affect the other. Sir John expatiated on these circumstances, and added a variety of other pertinent observations which we have not opportunity to state; he concluded a very able speech with declaring, that he had en-

deavoured, as well as he could, to explain to the Hon. Gentleman (Mr. Powys) the ground on which the Motion rested; whether he had done it satisfactorily, or no, the Hon. Gentleman could alone decide.

Mr. Wyndham.

Mr. *Wyndham* began with saying he should not have risen to say a word that day, but for what had fallen from the Learned Gentleman who spoke last. As the argument then stood, they knew not on what grounds the authors of those proceedings rested them. On one hand it was said, that they were acting upon necessity, upon another that they were acting upon law. It was, he conceived, impossible that both positions could be true. The Right Honourable Gentleman in his opening had clearly stated, that the necessity of the case obliged them to have recourse to irregularities, and he had heard the same doctrine, Mr. Wyndham said, stated elsewhere, and yet the learned Gentleman who spoke last had declared, that there was no existing necessity, but that the proceeding proposed was strictly legal, and that to address his Royal Highness to take upon him the Regency was clearly illegal. Amidst these jarring opinions, Gentlemen might surely doubt the necessity asserted on the one hand, and the legality of the proceeding asserted on the other. Mr. Wyndham said, that wonder-working machine, the political capacity of the Sovereign, was the grand spring of all the arguments on which the Gentlemen of a certain profession relied. He explained what he conceived to be meant by that expression, in terms stripped of the technical obscurity in which the expression was involved, and contended that the Royal Prerogatives were attached not merely to the life of the Sovereign, but to the King's political authority. He rejected the idea of the act they were about to take being a legal one, and said, when from necessity they were obliged to have recourse to an irresponsible act, he conceived it to be much more safe, that it should stand upon its own ground, distinguished as an irregular proceeding justified only by necessity. They would then know what it was, and posterity would know on what its merits had rested. Mr. Wyndham took notice of the learned Gentleman who had spoken early in the debate, and had said, the argument against the motion amounted in fact to an assertion, that they had the power to make the law-maker, but not the law whereby

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he was to be made. That was, he said, the very distinction that in his mind applied in the present instance. He reasoned upon the distinction, and put the case of a Patron having a right to present to a living. The Patron could not, he said, fill the living himself, and, if he was correctly informed, a clergyman who had an advowson in his own gift, could not appoint himself to it, but by a special process. After urging this, and a great variety of logical arguments, to prove, that declaring that act was an act of the King, when there was no King, and they all knew there could be none, was a counterfeit and a delusion; and, after throwing a considerable share of ridicule on the proceeding, Mr. Wyndham concluded with declaring, that he never gave a vote with more heartfelt conviction against a motion, than he should give it against the motion then under consideration.

The *Master of the Rolls* reminded the House, that he had before ^{Pepper} desired, if gentlemen had any amendment to propose, that they ^{Arden.} would state it, and that it might be debated. No such amendment had been proposed; gentlemen would do well, therefore, to consider the question before the House; it was, whether there should be a Commission issued under the Great Seal to open the Parliament? It was universally admitted, that there ought; the only Question was, who ought to issue that Commission? No person, therefore, had stated any means of providing for the opening of Parliament, except his Right Honourable Friend, and the Committee having no other Proposition before them, were bound to decide upon that. All the arguments that had been advanced against the present Resolution went against the Resolutions already voted. The Committee, therefore, after having voted those Resolutions, which the House had agreed to, and which his Royal Highness the Prince of Wales had also agreed to, would not surely now undo all that was done, and by a side-wind contradict those Resolutions which, upon full deliberation, and after long debate, they had voted. The Master of the Rolls, with great ability and success, pursued his argument, and clearly proved that the step proposed was a necessary one, and naturally arose out of the former proceedings of the House upon the subject.

There was here a strong cry of *Question! Question!*

Mr. Dempster.

Mr. *Dempster* nevertheless rose, and after waiting till Order could be restored, observed, that if ever there was a subject on which gentlemen ought patiently to listen to the arguments of each other, it was that on which they were debating; because it was no question of politics, but a question about the mode of appointing his Royal Highness the Prince of Wales Regent; a situation in which they had all agreed to place him, as the most proper person to fill that high office, and only differed as to the best means of making his Royal Highness Regent, with least injury to the Constitution. Mr. Dempster renewed his argument in favour of resorting to one expedient, instead of pursuing the circuitous mode of proceeding recommended by the Right Hon. the Chancellor of the Exchequer. Although the House might be prevailed on to support the Right Hon. Gentleman's Proposition that night, Mr. Dempster said, he trusted the Right Honourable Gentleman, when he came coolly to reflect on the possible ill consequence of establishing such a precedent, would see the propriety of adverting to the simple mode of addressing the Prince of Wales, and requesting his Royal Highness to take upon himself the Regency, with all the powers of the Royal Prerogative.

Mr. Pitt.

The *Chancellor of the Exchequer* said, he had listened with great attention to the Honourable Gentleman, as every thing that fell from him in that House was of great weight, and well worthy their attention, but nothing that he had heard from the Honourable Gentleman in the Debate, would induce him to alter his sentiments; that he had not formed his opinion lightly, nor without very mature consideration; and so far from changing his ground, and reverting to the Address to the Prince of Wales to take on himself the Regency, when they came to report the Resolution, as hinted by the Hon. Gentleman, he should, if the Committee voted the Resolution, move that the Report be brought up that night, in order that they might carry it up to the Lords the next day.

The Question was at length put, and the Resolution was agreed to without a division.

The House was then resumed, and the Report ordered to be brought up. It was brought up accordingly, read a first and second

second time, and agreed to. A Motion was then made and carried, that a Conference be required with the Lords on the subject of their former Conference, and that Dudley Ryder, Esq. do request the same.

The *Chancellor of the Exchequer* next moved the Question of Adjournment, when the SPEAKER begged before he put the ^{The Speak-} Question, that the House would favour him with their attention^{er.} respecting a matter that referred to the situation in which the House had done him the honour to place him. At the beginning of a Parliament, he said, it was usual for every Speaker to be presented to the King, to make his excuses, to receive the Royal approbation, and to claim the rights and privileges of the House, as to freedom of debate, &c. and lastly, to beg the indulgence of the King as to any thing that the Speaker might have occasion to say on behalf of the House of Commons. When a new Speaker was chosen in the middle of a Parliament, though he was introduced to make his excuses, and receive the Royal approbation, he did not make the claim of the Rights and Privileges of the House, but barely begged indulgence for what he might himself have occasion to say. The present circumstances, appeared to him not strictly to warrant either of these modes of proceeding, and, therefore, unless he should receive the express commands of the House what conduct to pursue, he should govern himself entirely by the precedents of the Restoration and the Revolution.

The *Chancellor of the Exchequer* after a pause of a few seconds, said, it seemed to be the general sense of the House, that the ^{Mr. Pitt.} Speaker should govern himself by those precedents, which he had referred to, that of the Restoration and that of the Revolution.

Mr. *Burke* rose as soon as the Chancellor of the Exchequer sat down, and observed that every step they took was attended with ^{Mr. Burke.} fresh difficulty. They had just set up a phantom to represent the Great Seal, and now their Speaker was to bow before it, and to claim their rights and privileges from a creature of their own creation. After abandoning the precedent of the Revolution in addressing the Prince of Orange to take the Crown, they were going to resort to the precedent of the Revolution in another instance. If it were fit to be adopted in the one case, he wished to know why it had not been thought fit to be followed in the

other. They had set up fiction for the Great Seal, and thus having invaded the Constitution, the next step they took was to disgrace the House of Commons.

Mr. Pitt.

The *Chancellor of the Exchequer* replied to Mr. Burke, and reminded him, that the death of the late Speaker having added to the difficulties under which they laboured, the House had thought proper to act upon the necessity of the case, and chuse a new Speaker, without waiting for the Royal Pleasure to be signified on that point. With regard to the Right Hon. Gentleman's question, why it had been fit to adopt the precedent of the Revolution in one case, and to abandon it in the other? The reason was obvious; in the one case the precedent of the Revolution applied, and in the other, it did not. The Convention Parliament had agreed to address the Prince of Orange to become King. Why? Because in that case the Throne was vacant. They could not now address the Prince of Wales to take upon him the Regency, because the law knew no such thing as a Regent, and because the Throne was full, the King still living, and having a right to retain his Crown as long as he existed. The business they had to do, therefore, was to appoint a person to exercise a portion of the Royal Authority during his Majesty's incapacity, and that appointment could only be made by Act of Parliament.

Colonel North.

Colonel North said, he certainly did not wish, that the Speaker should present himself to the Commissioners in the Commission ordered to be issued, because he could not consent that he should humble himself before persons of their own rank and station; but if the Parliament had been to have been opened by a person representing his Majesty, he should have thought differently. The Colonel added some words more, which called up

The Speaker

The SPEAKER, who said, he believed he had not made himself clearly understood by the Hon. Gentleman. The Speaker then again explained the three things which it had been customary for a new Speaker to do at the beginning of Parliament, and the two of them which it was usual for a Speaker to do if chosen in the middle of a Parliament.

Mr. Pitt.

The *Chancellor of the Exchequer* said, he understood that it was the intention of the Speaker to conform to the precedent of the

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Revolution. At that time the Convention Parliament had chosen a Speaker, and when King William was afterwards seated on the Throne, that Speaker was not presented to the King. That was the precedent, which, he conceived, the present Speaker would follow, and that, consequently, he would neither be presented to the Commissioners, nor claim the rights and privileges of the House, which had been already claimed of his Majesty, nor ask for indulgence of any thing that he might have occasion to state in Parliament.

Mr. Anstruther having asked what was to be the next step taken? Mr. Anstruther.

The *Chancellor of the Exchequer* said, he hoped the two Houses Mr. Pitt. would meet early next day, that they might carry up the Resolution to the Conference soon, and having the Commission ready sealed, might open the Parliament forthwith, and as soon as they had done so, and came back to that House, he should immediately move for the Resolutions, that they had voted, to be read, and then move for leave to bring in a Bill for appointing a Regent, founded on those Resolutions.

The Question of adjourning was at length put, and the House rose immediately.

Thursday, February 5.

A petition was presented to the House from the County of York, relative to the Slave Trade, which was read, and ordered to lie on the Table.

REGENCY BILL.

The *Chancellor of the Exchequer* brought in the Bill “To provide for the care of his Majesty’s Royal Person, and for the administration of the Royal Authority during the continuance of his Majesty’s illness.” Mr. Pitt.

Mr. Powys rose as soon as the Bill was presented, and desired to know before that or any other Bill was read a first time whether the Commission, under the authority of which they sat as a Parliament,

liament,

liament, had expired or not; that was, whether the Commissioners were *functi officio*, or still possessed their powers, and whether another Commission would not be necessary to give the Royal Assent to any Bill the two Houses might pass.

Sir A. Macdonald.

The *Attorney General* said, he was clearly of opinion that the Commission, under the Authority of which the Parliament was opened, was still in full force. That Commission contained words giving powers so broad, that it was apprehended by some persons, that they would authorize the giving the Royal Assent to any Bill that might pass; but other persons, who grounded their opinions on the conduct of Lord Hardwicke in 1754, thought differently. In 1754 Lord Hardwicke had put the Great Seal to a Commission for opening the Parliament, and to a subsequent Commission, when it was necessary, to give the Royal Assent to a Naturalization Bill, the only Bill that passed in that Parliament; the Royal Assent to which was given under the joint authority of both Commissions.

Mr. Powys. Mr. *Powys* said he was perfectly satisfied, but he thought it necessary to ask the question.

Sir A. Macdonald.

The *Attorney General* begged to have it understood, that he had merely delivered the sentiments of an individual, and he wished other Gentlemen to give their opinions likewise.

Mr. Sheridan.

Mr. *Sheridan* observed, that it was usual for all Commissions of the kind to contain words, giving a power to the Commissioners to adjourn and prorogue Parliament. Those words were expressly left out of the present Commission, which he thought extraordinary.

Sir A. Macdonald.

The *Attorney General* said, if the Hon. Gentleman would consult the Rolls of Parliament, he would find, that at different times, different Commissions had been issued for opening Parliament. At one time, such Commissions gave powers for giving the Royal Assent to Bills, at others they gave powers to prorogue adjourn, and at others, the powers given were merely those of opening Parliament, and continuing it open. On the present occasion, it was only thought necessary to give powers to open the Parliament, and continue it open.

Mr. Sheridan.

Mr. *Sheridan* said a few words relative to the two Commissions issued by Lord Hardwicke in the year 1754.

Mr.

Mr. *Anstruther* agreed with his learned Friend, that the Commission was a good one, if not liable to any other objection, whether it contained powers general, or powers limited or specific. Mr. *Anstruther* reminded the House, that the argument had generally run in the course of the debates, that a Commission was to issue, authorizing Commissioners to give the Royal *Assent* only, to the Regency Bill. If no new Commission issued, he conceived under the general words of the Commission last issued, that the Commissioners were left to exercise their discretion, and give either the Royal *Assent* or *Dissent* to the Bill.

The Question was then put, “that the Bill be now read a first time.” It was read accordingly, and the breviat of its contents being handed to the Chair, the Speaker proceeded to read it. The breviat stated, that the Bill authorized his Royal Highness the Prince of Wales to exercise all the Royal Prerogatives, and to transact every act of Government during his Majesty’s illness, in the name and on the behalf of his Majesty, in the same manner as his Majesty could have exercised the same, subject only to such limitations and restrictions as were therein-after provided. It then stated the several limitations and restrictions specifically; and that it contained clauses investing the care of the King’s person with her Majesty, and adding a Council of Advice for the aid and assistance of her Majesty. It stated, that the said Council was to be invested with peculiar powers. It stated, also, that there were Clauses in the Bill, providing for the resumption of the Royal Authority in the person of his Majesty, in case of his recovery; signifying, that by advice of the Queen’s Council and upon his Majesty’s issuing his Royal Proclamation, he should be empowered to resume the same; and it contained various other Clauses.

Mr. *Burke* said, the Bill appeared to contain so many Clauses, and some of them of the most serious importance, that he hoped, anxious as they all were for every possible dispatch of the business and the restoration of the Government, due time would be allowed for the fair and deliberate discussion of the various Clauses. The Bill was, he said, a Bill to make many Kings, which of itself was a matter that deserved very nice attention, but the Clause authorizing his Majesty to resume the exercise of the Royal Authority on the suggestion of the Queen’s Council, proceeded on an idea
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so unfair, so wild, and absurd, and was at the same time so new to the House, having never been once hinted at in debate, that it demanded a most jealous consideration.

Mr. Pitt. The *Chancellor of the Exchequer* expressed a wish that Gentlemen would not go into any Debate upon the Bill before they had an opportunity of reading and understanding it. The Bill would, he had learnt, be printed by the next day, in time for its delivery before the House met. When Gentlemen had the Bill, therefore, to peruse, they would be better able to discuss its contents than they could be from merely hearing the breviate of the Bill read, which containing only a general summary of its several Clauses, could not give them so clear an idea of the object and provision of its Clauses, as they would receive from examining its detail. If the fact were, as the Right Hon. Gentleman had stated, that the provision for his Majesty's resumption of his Royal Authority was unfair, wild, and absurd, as the Right Hon. Gentleman had thought proper to pronounce it, before he had read the Clause, the whole extent of the proceeding upon that conviction would be for the House to decide, whether they would be ready to go into the Committee upon the Bill on Saturday. He owned, he hoped that the Bill would be read a second time the next day, and that the House would be ready to go into a Committee upon it on Saturday.

Mr. Burke. Mr. *Burke* said a few words in support of his former argument, on the novelty of the proposition contained in the Clause, empowering his Majesty to resume his Royal Authority.

Mr. Sheridan. Mr. *Sheridan* also urged the same topic, observing, that the Bill was ordered to be brought in on the Resolutions, that it had been voted; if, therefore, it contained any new matter not grounded on any thing contained in those Resolutions, the Order of the House had been departed from, and the Bill ought not to be suffered to proceed.

Mr. Pitt. The *Chancellor of the Exchequer* again begged that Gentlemen would avoid entering into any sort of conversation whatever on the subject, till from reading the Bill, they had been enabled to make themselves masters of its detail. If any one of its Clauses in the consideration of the House should be deemed improper, the House would have it in its power to dispose of it; or if any of
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its Clauses required amendment, they would have a fit opportunity of amending the same. This he was certain of, that however it might strike Gentlemen that the Clause was a new one, which provided for his Majesty's resumption of his Royal Authority, when it should please God to restore him to his former health, the principle of that Clause was by no means novel. No Gentleman in that House could object to the idea, that proper provisions should be made to enable his Majesty to resume his authority, when he should recover. It had been a principle much debated, and on which there had been no difference of opinion, nor was it possible that any difference of opinion should subsist on such a subject. If, therefore, the clause should after examination, be found inadequate to its object, the House would be able to correct its defects, whatever they might appear to be.

Mr. Grey said, he did not mean to debate the Bill before he had read it, and understood its detail, but sure he was, that there was not a greater nor a more ardent desire on one side of the House than on another, to provide effectually that his Majesty might be enabled to resume his Royal Authority, as soon as he should recover. Certainly, every man must agree, that every necessary provision ought to be taken for that purpose, but he could not but observe, that allowing his Majesty to resume the exercise of the Royal Authority upon the advice of the Queen's Council, and by virtue of the Royal Proclamation only, without the interposition and cognizance of Parliament, did upon the face of it appear to be a most novel and extraordinary provision.

The *Chancellor of the Exchequer* said, it was by no means the purport of the Clause in question to enable his Majesty to resume the exercise of the Royal Authority by virtue of issuing his single Proclamation, as gentlemen appeared to imagine. To remove the impression that must necessarily prevail, if so strange an idea were suffered to go abroad, he must shortly, and in the abstract, state the nature of the provision contained in the Clause alluded to. The Clause provided, that upon its appearing to the Queen, and to the majority of her Council, that his Majesty, was fully restored to his health, and upon his Majesty's requiring a Privy Council to be summoned, and signifying such requisition, under his sign manual, to the Lord President of the Council, or Secretary

tary of State for the time being, a Privy Council, consisting, as well of those who had been Members, as those who were Members, usually summoned, should be convened, at which his Majesty and the Queen should be present when his Majesty's Physicians should be examined, and upon its appearing to the majority of the Privy Council so summoned, that his Majesty was recovered, his Majesty should be authorized to resume the exercise of his Royal Authority, upon the issuing of his Royal Proclamation for that purpose, signed not only by his sign manual, but countersigned by the majority of the said Privy Council, and that Parliament should immediately be called together to recognize and ratify the proceeding.

This explanation appeared to give general satisfaction to the House, and the Bill was ordered to be read a first time that day, and to be printed.

Friday, February 6.

REGENCY BILL, AND BILL PROVIDING FOR THE CARE OF THE
KING'S PERSON AND HOUSEHOLD.

Mr. Pitt.

The *Chancellor of the Exchequer* moved the Order of the Day for the second reading of the Bill, "To provide for the care of his Majesty's Royal Person, and for the Administration of the Royal Authority, during the continuance of his Majesty's Illness."

On the Speaker's putting the Question, "that the Bill be now read a second time,"

Mr. Burke.

Mr. *Burke* rose, and declared himself astonished that the Bill should be proposed to be read a second time, without the House having heard a syllable as to what the principles of the Bill, as opened and acted upon by the clauses and provisions of the Bill, were. He had, he said, often known the principles upon which a Bill had been ordered to be brought in, either totally lost sight of in the Bill itself, or so violently strained and departed from in the various clauses, that scarcely a single principle upon which the House had resolved to legislate, was to be found in the Bill, or to

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be found entire. It behoved the House, therefore, at all times, to watch great and important Bills narrowly, and to see that they were not deceived and deluded; and that while they meant and had resolved to pass a Bill for one purpose, they were not induced to pass a Bill, containing provisions to answer a very different purpose. There might possibly, he said, exist some doubts as to the constitutional and legal competency of the character in which they were then proceeding to act as a branch of a perfect legislature; in argument and in debate, he and others had much questioned the validity of the Commission, under the authority of which Parliament had been opened; but admitting for the present that there had been exercised a competent power to make the Houses a Parliament, and enable them to do the act, upon which they were proceeding, they ought to see what the Bill was, before they went on with it, and therefore, though he meant not to debate the subject at large, he should take the liberty of calling the attention of the House, before they read the Bill a second time, to the extent of its provisions, and the extraordinary manner in which the Resolutions that the two Houses had come to, were now attempted to be made use of and carried into effect. Never surely, said he, was there a time when the people of England and that House were so called on to see what they were doing, and to examine with every possible degree of prudence and foresight, the serious and important consequences what they were doing might lead to. His Majesty's incapacity to exercise the Royal Authority had been established, to the conviction of the two Houses, in a manner that left all possibility of doubt out of the question; indeed, if the examinations of his Majesty's Physicians had not taken place, the fact would be too clear to have admitted a dispute, from a great variety of consequences not necessary to be detailed, because they were consequences which they not only all saw but felt. The duration of his Majesty's malady, the turns it might take, the disguises it might assume, lay hidden in the secret recesses of the dispositions of Providence. His Majesty was insane, but his malady was not like that of some other persons who were under confinement in houses and places destined for such purposes, intermittent, various, subject to degrees, lucid intervals, and occasional visitations of reason, but his faculties were totally eclipsed; not a
partial

partial eclipse wanting some digits of completion, but a total and entire eclipse. They were, therefore, to supply the defect in the exercise of the Royal Authority. The present Bill was indefinite in its duration, because that bold Promiser, Dr. Willis, himself, could not fix a probable time for the chance of his Majesty's being capable of recovering sufficiently well to be fit and able to resume the exercise of his Royal functions; and as Dr. Willis, in the sanguine temper, ungoverned zeal, and impetuous rashness of his mind, could not take upon him to decide what would be the duration of his Majesty's illness, it was not likely that physicians of more moderate minds, of cooler judgments, and of more sober reason, should take upon them to decide the duration of the malady that had struck at the Sovereignty of the Empire, and wounded every thing that was Sovereign, either in the political or natural capacity of the King upon the Throne. Not any thing like a moderate time, therefore, had been promised for the duration of his Majesty's illness; the malady of the Monarch consequently was fixed to no known definite time, and at that moment a Bill was brought in totally to separate and parcel out the Royal Authority, so as leave only the chance of a Government necessarily so weak and impotent, as to be scarce able to stand at all. All limited power, Mr. Burke said, was from its nature feeble, and the circumstance of its being only temporary and uncertain, rendered it still more deficient in vigour and in efficacy. The first object of the Bill was, he observed, to nominate a person to hold this weak and almost useless Government. The next purpose it avowed its aim to effect, was the raising a power in opposition to that Royal Authority. Those who gave such powers, were clearly to be the masters of them, and there could no doubt remain but that the Bill was drawn with a design to answer the rash ends of the mad and daring ambition of a Right Hon. Gentleman, whose conduct had but too plainly manifested his view and his intentions. Thus there was a partition of power, in which the Prince was destined to have no other than an *official* character, while all the Palaces, Offices, and Dignities, were given to another. This partition was more odious and offensive than the famous Partition Treaty relative to the succession, on the death of the last Prince of the House of Austria. It was a partition founded on a most wicked and malicious

icious principle ; every thing that was degrading and restrictive, every thing that stamped a suspicion on the character of the Prince, and conveyed a gross affront to his Royal Highness, by holding him out as a person not to be trusted, as a person whom the public ought to suspect, and were likely to be deceived by, was done by what was withheld in the Bill ; while, on the other hand, all that was graceful, all that was honourable, all that was calculated to hold up a character as great, virtuous, and meritorious, was given where an Opposition was set up to oppose and counteract the executive Government. The Bill affected to give the Royal Authority, and tended to answer the purposes of a faction against that authority. Its real object was to defeat the preferable claim of the Prince of Wales to the Regency, in the very moment that the Claim had been in practice and in effect, found to be irresistible, and to set up what had been termed the *equal* Right of a Subject, as paramount to the Prince's Right. Mr. Burke, with great warmth, declaimed upon the purport of the Bill, in the view of which he chose to consider it, and among a variety of other invectives against it, said, the doctrine of divine right, which had been exploded in the House of the Stuarts, was now revived in favour of another House. The present Minister he understood had been called an *heaven-born* Minister in another place ; they might fairly suppose, therefore, that he had a divine right to take to himself a larger portion of power and of patronage than he chose to leave to the Prince on the Throne ; and when he said the Prince on the Throne, he begged to be understood as alluding to the Prince of Wales, sitting on the Throne in his delegated character, on the behalf, in the name, and as the representative of his father. But if the Minister was already declared by one of his fanatics to be an *heaven-born* Minister, he did not wonder at his considering himself as acting under the influence of a divine right, and that he should go any lengths to secure the power that he aimed at. By the present Bill, all the powers of distributing honours, and even charity, were denied the Regent. There were, Mr. Burke observed, a variety of lesser instances of bounty annexed to the Crown, that the Regent was most invidiously restrained from. There were employed by the Household, painters, architects, poets, historiographers, and many other artists and artificers of different

degrees, ranks, orders, and descriptions, to reward whom, the Prince was deprived of every possible opportunity. He was left without a table, without any provision that resembled the shadow royalty, further than what he had enjoyed as Prince of Wales, from his Majesty's personal bounty. Mr. Burke enlarged upon this topic considerably, and with his customary ardour of expression. Though, he trusted, he honoured her Majesty as much as any other subject, he did not think she ought to have that patronage. She might be nominated to hold it, but he was confident the exercise of it would devolve into other hands. The Bill was calculated, he said, to eclipse the Royal dignity, and to reduce the Regent to an *official* character, which was a scandal to the nation, and the more so, as coming from those who were thought men of honour, and therefore he should consider it as a wicked, base, and unjust action, not more degrading to the Prince of Wales, than disgraceful to the perpetrators. By the Bill, responsibility was given to the Prince of Wales, who was saddled by having all the onerous duties of Government imposed on him, without having any grateful powers to counterbalance the burthen, while the dignity, splendour, and real distribution of emoluments, were given to the Minister. The Bill meant, not only to degrade the Prince of Wales, but the whole House of Brunswick, who were to be *outlawed*, *excommunicated*, and *attainted*, as having forfeited all claim to the confidence of the country! [Some Gentlemen smiling at the extent of this doctrine, and the vehemence of emphasis with which it was delivered] Mr. Burke burst out into a most violent passion, and reprobated the conduct of the other side of the House, and charged them with degrading the Royal Family, sowing the seeds of future distractions and disunion in that family, and with proceeding to act TREASONS, which the justice of their country would one day overtake them for, and bring them to trial—

Mr. Burke was interrupted by a loud and general cry from the other side of the House, of *Order! Order!*

Mr. Gammon and the Chancellor of the Exchequer were both at the same time on their legs, but the latter obtained the hearing.

Mr. Pitt, The *Chancellor of the Exchequer* said, he rose to speak to Order. When the Right Hon. Gentleman chose to indulge himself with a direct attack upon him in the style of invective, in which he was accustomed

accustomed to deliver himself in that House, he seldom thought it worth his while to interrupt the Right Hon. Gentleman, and call him to Order, or indeed to make him any answer, because his speeches, from their extraordinary style, and the peculiarly violent tone of warmth and of passion with which they were generally delivered, seldom failed to give that impression, which those to whom they were directed wished them to give; but when the acts of the House were called in question, and a Bill avowedly founded on principles which the House had sanctioned, by voting them, after much discussion and debate, in the form of distinct Resolutions, were said to amount to the *outlawing, excommunicating, and attainting* the whole House of Brunswick; and the House was told distinctly and unequivocally, that they were proceeding to *act* TREASONS, for which, at a future day, it would be overtaken by the justice of their country, and brought to trial, he did hope that the House would interpose its authority; and when such a violent breach, not only of order, but of common decency, was committed, that it would oblige Gentlemen to restrain their violence, and not, under the pretence of passion, suffer themselves to be betrayed into into such irregular, disorderly, and unseemingly conduct.

Mr. *Gammon* rose likewise declaredly to speak to Order, but pro- Mr. Gammon.
ceeding to mention that the Right Hon. Gentleman had taken the liberty of alluding to an expression made in another House of Parliament by a noble Duke, to whom he had the honour to be related — he was interrupted by Mr. SPEAKER, who informed the Hon. Gentleman, that if he rose to object to any particular part of the Right Hon. Gentleman's speech, he should have interrupted him, and made his objection, when the expression that he meant to call in question had fallen from him.

Mr. *Burke* rose again, and said, whenever he used any words Mr. Burke.
that were disorderly, he presumed those who thought proper to call him to Order would state what the disorderly words were, as well to convince the House that he had been disorderly, as to enable him to explain his meaning in a regular manner. With regard to the charge of passion, which the Right Hon. Gentleman had imputed to him, he confessed that he had expressed himself with warmth, originating from a deep consideration of the great importance of the subject, and not from any censurable imbecility

of temper; so far from it, it would have been censurable in him, or any man possessed of common feeling, to have restrained from that indication of warmth and passion that he had betrayed, when talking of a Bill, from the provisions of which the whole House of Brunswick were expressly excluded. When he saw that under a pretence of providing for Government, there was a provision made for tumult, disorder, and debility in that Government, he felt as a man, conscious of the fatal effects of such consequences, must feel, and spoke warmly and passionately upon the subject, but that warmth and that passion arose from a due sense of the dreadful tendency of such a provision; and when ought he to speak of it but when they were in the action and in the practice of that very game of ambition of which he had complained, and to which he imputed all the serious and fatal consequences that he had stated? In considering the manner in which that game of ambition was proposed to be played, and the measures that were resorted to, in order to render it successful, and to secure that success, was he not to look to the views, intentions, and designs of those, whose object it was to win the game; especially when those measures were, to the last degree, dear to the Constitution, and obviously tended to aggrandize certain individuals, to the destruction of the government of the Country? If by the sort of speeches he usually made, the style of his argument, and the warmth of his delivery, he served the purposes of the Right Hon. Gentleman, Mr. Burke said, the Right Hon. Gentleman ought to be much obliged to him. Sure he was, that he did not mean that what he said should further the Right Hon. Gentleman's objects, and certain he likewise was, that the purposes of ambitious men were best served by concealing all enquiry into their secret motives and intentions, and resorting to general encomiums on their conduct. He should contend, that in examining a Bill that tended to cause a total revolution of the splendour of this country, to separate it from the executive government, and to give it to other and unknown persons, he had a right to look to the private views and secret motives of those who brought in such a Bill. If he found the whole object of such Bill, under pretence of a compliment to the King, was calculated to degrade the Royal Family, and merely to serve the purposes of ambitious men, he had an undoubted right to examine into,

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and question the purity of the motives, designs, and intentions of its authors. Upon what principle, therefore, of propriety, or reason, or common sense, had Gentlemen deemed an argument founded in such a purpose, as he had explained, a fit subject for laughter? Such laughter, and so applied, was worse than madness itself, and more horrible than the senseless ravings of the unfortunate wretches who were chained to their cells. Mr. Burke urged this argument, declaring that he had not rashly nor weakly suffered his reasoning on such a subject to hurry him into warmth, but contended that nothing he had said was deserving of laughter or ridicule. When the House had got into a Committee, Mr. Burke said, he should, he hoped, shew that he was able to speak with temper, and prove, to the conviction of prejudice itself, that the arguments he had, before he was interrupted, only loosely and generally thrown out, were founded in truth and seriousness, and well worthy the solemn attention of every man in the country: at present he would only shew the effects of the Bill collaterally. Mr. Burke then proceeded to touch on some of the provisions in the Bill, which were, he said, so far new to the House, that they had neither been expressed in any of the Resolutions, nor opened or stated in debate. One of the first points of this sort that he had alluded to was the Privy Purse of his Majesty, which, from 36,000*l.* a year, had been encreased first to 48,000*l.* and had at length swelled up to 60,000*l.* a year. That, of which they had hitherto heard nothing, was by the Bill to be withheld from the Prince of Wales, who was to have no Privy Purse; so that by the Bill they would separate from him the table, honour and hospitality belonging to Royalty, and were going, for what they knew, to create a fund for bribing Members of Parliament, by entrusting the Queen with the care and application of such an enormous sum of money. They gave such a large sum not for what the King would have done, were he well, and in health, but for her Majesty's *guessing* what the King would have wished to have done, were he well; while the Prince of Wales, as Regent, was neither suffered to act liberally for himself, nor to think what his Royal Father would have had done. They had, Mr. Burke said, heard of the Queen's girdle, the Queen's shoes, the Queen's mantle, and other parts of her personal attire, as heads of expence under the Civil List; but they had never be-

fore heard of the Queen's having an enormous sum allowed her for *guessing* what the King would have done, had he not been insane. Mr. Burke considered this part of the Bill's probable operation in a variety of views. The Queen might, he said, be regarded as the King's trustee for accumulation, or his trustee for distributing it, to nobody knows who. The sum might be given away in pensions to support the faction, and in bribes to the Members of that House. The Privy Purse in his Majesty's hands had been responsibly placed; according to the Bill it was to be entrusted where there was no responsibility whatever; and if the Bill should pass that House, it would manifest that they were resolved not to abate a shilling of the money, about the very disposition of which they did not know, nor express any desire to know a syllable.

After dwelling on this object of the Bill for some time, Mr. Burke adverted to that part of it which comprehended the provisions for the care of the King's person, from which the Prince of Wales, he observed, was expressly excluded. Perhaps, he said, that exclusion was proper; but why was the Duke of York, and the Dukes of Cumberland, of Gloucester, and the rest of the Royal Family excluded? Was he to be laughed at for saying, that such a general exclusion, upon the face of it, appeared as if the whole House of Brunswick were outlawed, excommunicated, and attainted of High Treason? Had the rest of the family no interest in the preservation of the King's person? Had they expressed that they had no wish for his recovery? His Majesty's person, and his Majesty's money, what security was there for either? The language of the Bill clearly was, "Oh! keep the Prince from both, and let them lie at the mercy and the will of the kites and the crows of the air!" There seemed to be no other disqualification for coming near the Royal person, and having any share in the care and guardianship of the personal property of the King, but the having sprung from his Royal loins. His Majesty's money and jewels seemed to be made the consideration of three objects; first to consider what they were, next where they were, and lastly in whose hands they were to be intrusted; and in the latter consideration the Duke of York, the King's affectionate and dutiful son, his loving brothers, the Dukes of Gloucester and Cumberland, and his other sons, Prince William Henry and Prince Edward, were expressly excluded,

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and deemed unworthy of any share in that trust, in which they had undoubtedly the first interest and the deepest concern. How did they know but so large a sum as the amount of the King's Privy Purse, (which his Majesty, had he been sane, might have consented to reduce to its former amount, in alleviation of his overburthened Civil List, and to prevent its being again brought to Parliament for an additional increase) was intended to be given to jobbers and monied men, to bribe them to adhere to the faction set up in opposition, and as a place of arms against the executive government? Was he then to be laughed at for saying, that, by the Bill, the House of Brunswick were excluded, proscribed, and attainted?

The next part of the Bill that struck him as most extraordinary and highly objectionable, was that clause which gave the Queen's Council the power to pronounce his Majesty recovered, and restore his Majesty to his Government. An exclamation of *hear! hear!* coming from the other side of the House, Mr. Burke said, Gentlemen acted wisely in endeavouring to prevent what would follow from being heard, but he would repeat the expression. The powers given to the Queen's Council to pronounce his Majesty recovered, and restore him to the exercise of his Royal Authority, were most extraordinary. The clause did not even specify of what number of the Queen's Council, those gifted with so extraordinary power, were to consist; that was to be provided for by the filling-up of a blank. He rested much remark on this circumstance, and said, that Parliament had been deemed competent to dethrone a Sovereign, but when they came to the return of a King to the exercise of his Royal functions, the whole power was given to a Council, to consist of nobody knew who. Mr. Burke declared, he would for the present touch but on some few of the heads of that Monster, and that as shortly as possible. They had declared the King incapable of exercising his Royal Authority, after a full and solemn examination of his Majesty's Physicians; but whether he was to be deemed capable of resuming the exercise of the Royal Authority, or not, was not to depend on any examination had by them. Before his Majesty had been declared incapable by Parliament, and before they had acted on that declaration of incapacity, his Majesty's Physicians had undergone four separate, solemn, and scrupulous

pulous examinations; one before the Privy Council, two before that House, and one upon oath before the other House. Thus Parliament had exercised all its own powers of investigation, and superadded those of another of great authority. Why was there not to be at least as scrupulous an examination of his Majesty's health, when a motion of so much public importance, as his resuming his authority, was to be decided? Out of personal delicacy and respect, the House had proceeded carefully to examine into and ascertain the fact of his Majesty's incapacity, before they grounded any proceeding upon it; and was it less important, less necessary, when the question was, whether the country was to be governed by a person in his senses or not, that the fact should be at least as correctly ascertained with respect to his Majesty's recovery? As the Bill stood, until her Majesty should think fit to assert that the King was well, the people were not to know it. If the Council were ministerial, and if his Majesty were well enough to sit in a chair at the head of that Council, the Bill provided that he should be declared capable. Mr. Burke expatiated on this at some length; he said, it was putting the whole power of changing the Government into the hands of Dr. Willis and his keepers; a person who had been insane might, he contended, be so subdued by coercion and severity, as to be capable of being prevailed on to act the farce appointed him, of appearing for a short period to have recovered his intellects. He maintained the difficulty of getting a man to swear that a person who had lost his understanding was restored, and in his senses, compared with the ease of getting a man, from the conduct and conversation of another, to swear that he was out of his senses. He urged the utter impossibility of bringing it to proof, whether a person who had been insane was perfectly recovered or not. What was likely to be the natural conduct of a person so happily restored? Undoubtedly his first object would be to revive those domestic feelings, dearest to the human heart! Were the King to recover, and had it in his power, would he not, on the restoration of his intellects, first call his dearest son, the Prince of Wales, into his presence? Would he not next ask for his next son, the Duke of York, and the rest of the Royal Progeny? Did the Bill provide for this? No. The whole was to be done in a blind manner, in the dark, and in a way most liable to suspicion,
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and to question. The whole was a scheme under the pretence of pronouncing his Majesty recovered, to bring back an insane King. Those who conceived that the proof of a man had recovered his understanding, was to depend on affidavits and entries, forgot that a sound King naturally courted public inspection, and was desirous of being examined, and his recovery established to the conviction of his subjects.

Mr. Burke reiterated his objections to the Bill, and laid great stress on that of the House of Brunswick being excluded from any share of the guardianship of the King's person. He declared he did not suspect the Queen of being capable of acting improperly, but as a public man, it was his duty to suspect situations and temptations, that might pervert the purest mind, and draw it aside from the strait path of rectitude, and thus render her Majesty the tool of ambitious men. He reprobated the Bill on account of its malevolent aspect, in excluding the House of Brunswick, and for its malicious attempt to guard against evils from a quarter, whence none were expected to come, and laying a quarter open, whence they were most to be dreaded. The House, he said, had proceeded step after step, and been led on to do that, which if proposed altogether, would, he was persuaded, have been rejected by every man of honour. Like Macbeth, who after having murdered Duncan and Banquo, exclaimed

I am in blood

Stept in so far, that, should I wade no more,

Returning were as tedious as go o'er,

they found themselves inclined to proceed from not daring to trace back their steps. Mr. Burke said, he had thought it necessary to throw out this preliminary series of loose remarks, not doubting but if they were coolly and seriously attended to, they would call forth those of men of greater abilities than himself, and like the man who first raised a spark, he should see that spark kindle into a flame hereafter. He added some further general remarks on the Bill, and declared, that he had done what he intended, namely, laid open *briefly* the provisions of the Bill, that he should be authorized hereafter to compare those provisions with the declared principles on which the Bill had been ordered to be brought in, and to compare those principles back again with the Provisions,

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and he did not doubt, but sooner or later, Gentlemen would feel in their own breasts as he felt. Before he sat down, Mr. Burke took notice of a charge, that he said, had been brought against him of having attacked a noble Duke for declaring in the other House, that the Minister was an heaven-born Minister. He had heard, through the public, that such an expression had been made use of in the other House of Parliament, but he had not been present at the time, or in the place himself. A Minister who was heaven-born, certainly might plead a divine right, and to a divine right, he said, he always should bow; they had, before this, heard of heaven-born Monarchs; and an heaven-born Minister, he was persuaded, was soon likely to become an heaven-born Monarch.

Mr. Gammon.

Mr. *Gammon* rose as soon as Mr. Burke had concluded, and entered upon a defence of the noble Duke, to whom he had before alluded. Mr. Gammon said, his noble relation [the Duke of Chandos] in the course of debate had adverted to an expression of a noble Earl, the father of the Right Hon. Gentleman below him, who, once speaking of Lord Clive, had termed him an heaven-born General; and had said, that when the flourishing state to which the Right Honourable Gentleman had restored the revenue, resources, and commerce of the country, were considered, he thought, the term of an heaven-born Minister was as fairly applicable to him, as an heaven-born General had been to Lord Clive. Mr. Gammon said, he had ever considered it to be disorderly and irregular to found any argument in that House upon what had passed in debate in the other House of Parliament; but as the Right Hon. Gentleman seemed to intimate his intention to resume his reference to the expression of his noble relation in the Committee, he begged leave to enter his claim to make a reply, whenever the subject should be resumed. Mr. Gammon said, he had not yet had an opportunity of reading the Bill, and therefore would not be led into its discussion.

Mr. Burke. Mr. *Burke* said, the Hon. Gentleman had mistaken him. He had intimated no intention again to animadvert on the Noble Duke's expression, but had merely attempted to state the inference and deduction, that he thought might fairly be drawn from that expression.

The Question was then put, and the Bill read a second time. The Bill was then ordered to be committed to a Committee of the whole House next day.

Mr. *Burke* said, as the first Clauses, though liable to some objections, were not liable to as weighty objections as the latter Clauses, which contained new matter, he thought it would be most adviseable to proceed no farther in the Committee next day, than through the early Clauses.

The *Chancellor of the Exchequer* said, it would be impossible to decide before-hand upon what extent they should proceed to. When they were in the Committee, they would be best able to decide by the length of the discussion that they would find themselves engaged in.

Mr. *Burke* submitted to the force of this observation, and the House immediately adjourned.

Saturday, February 7th.

ASSERTION OF ALDERMAN SAWBRIDGE.

Mr. Alderman *Sawbridge* rose, and said, that on a former day, Mr. *Sawbridge* he understood, one of the Members for Devon had called in question his assertion in another place, that the Devonshire Address had been fabricated in Downing Street. Mr. *Sawbridge* said, it was not his character or his custom to sport wantonly with matters of fact; he had heard what he had asserted from a quarter too respectable to be questioned, and he took that opportunity of declaring, that he firmly believed the fact.

Mr. *Rolle* said, the Hon. Gentleman might assert what he pleased in the Common Council, or elsewhere, but the fact was, that he neither had directly nor indirectly communicated on the subject of the Devonshire Address with the Right Hon. Gentleman. He should be deservedly held the meanest of individuals if he went down to his Constituents as the emissary of any Minister; he never saw the Address till he saw it in Devonshire, and when he saw it, it was in the presence of many of his Constituents.

Mr. *Sawbridge*

Mr. *Sawbridge* not answering,

Mr. *Rolle*. Mr. *Rolle* said, he would meet the Hon. Gentleman on any ground in justification of his assertion.

REGENCY BILL.

Mr. *Pitt*. This conversation was interrupted by the *Chancellor of the Exchequer*, who moved the Order of the Day.

The order being read for the House to resolve itself into a Committee on the Bill, “To provide for his Majesty’s person, and “for the administration of the Royal Authority during his Majesty’s illness,” the Speaker left the Chair, and Mr. *Watson* took his seat at the table.

Sir Charles Gould. Sir *Charles Gould* proposed to postpone the oath imposed on the Regent.

This occasioned a long and warm debate.

Mr. *Burke*, the *Chancellor of the Exchequer*, Lord *Maitland*, Colonel *Phipps*, Sir *Joseph Mawbey*, Mr. *Sheridan*, and Mr. *Burton* took part in it.

On the Question being put, the Oath was carried.

The business began with the postponement of the Preamble as usual.

Mr. *Burke*. After which Mr. *Burke* objected to the words “Limitations and Restrictions” in the first clause. The objection was over ruled.

UNIFORMITY CLAUSE.

As soon as the Chairman had read the following Clause,

“And be it enacted by the authority aforesaid, that nothing in this Act contained shall extend, or be construed to extend, to empower the said Regent, in the name, and in the behalf of his Majesty, to give the Royal Assent to any Bill or Bills in Parliament, for repealing, changing, or in any respect varying the order and course of succession to the Crown of this Realm, as the same stands now established in the illustrious House of Hanover, by an Act, passed in the twelfth year of the reign of King William the Third, intituled, “An Act for the further limitation of the “Crown, and better securing the rights and liberties of the sub-
ject;”

“ject ;” or to any Act for repealing or altering the Act, made in the thirteenth year of the reign of King Charles the Second, intituled, ‘ An Act for the Uniformity of public prayers and administration of sacraments, and other rites and ceremonies, and for establishing the form of making, ordaining, and consecrating Bishops, Priests, and Deacons, in the Church of England ;” or the Act of the year of the reign of Queen Anne, made in Scotland, intituled, “ An Act for securing the Protestant Religion, and Presbyterian Church Government.”

Lord North rose, not, he said, to oppose this Clause, which had been inserted in all Regency Bills, but to observe that this Clause was uniformly preserved, to mark the sanctity of the Statutes alluded to, and to shew that they could not be repealed, without a preliminary consideration of the subject in Parliament, which must pass on a special Bill to repeal this part of the Bill then under consideration, before it could repeal the acts it recognized. His Lordship commended this additional difficulty thrown in the way of an alteration of the ritual of the Church of England, and declared it had his entire approbation.

Mr. Beaufoy desired to understand fairly, what was the object and extent of the clause under consideration. If, as the noble Lord said, it was not binding upon the Regent, so as to prevent him from at any time giving his assent to a Bill that might hereafter be brought in for the purpose of taking off the disqualifications imposed at present on Protestant Dissenters, and was merely meant as a fresh proof of the sanctity of the Statutes in support of the uniformity of the Church of England Ritual, he should have no objection ; but if, on the other hand, it was understood to be binding on the Regent, and that under the idea of the sanctity of the law, as it stood, the Regent was precluded from given his assent to any Bill to relieve Protestant Dissenters from being, in consequence of their religious opinions, subject to disqualifications for civil offices, he should have many and strong arguments to urge against it, because he thought it extremely improper to do that collaterally, which if done at all, ought to be done directly and distinctly. Mr. Beaufoy avowed, that he spoke on behalf of the Protestant Dissenters, who had applied to Parliament for relief from the Test Act two years ago, and who were so thoroughly convinced

vinced of the Justice of their claim on the candour of Parliament, that they were still of the opinion, that they then entertained, and meant again to appeal to their deliberate judgment, and resumed consideration.

Sir A. Macdonald.

The *Attorney General* stated, that the Clause did not go to the extent that his Hon. Friend seemed to entertain an apprehension of: it only threw this difficulty in the way of a repeal of the Test Act. It obliged Parliament, before it proceeded to the repeal of that Act, to reconsider the subject thoroughly, and to have the present Bill before its eyes. It could, Mr. Attorney said, have no other meaning than to make it imperative on Parliament, to take all the Statutes that referred to the subject into their consideration, whenever Parliament thought proper to alter the Act of Uniformity, but it regarded the uniformity of the church of England only.

Mr. Pitt.

The *Chancellor of the Exchequer* corroborated what the Attorney General had said, and explained the distinct view of the Uniformity Act, which related to the Ritual of the church of England, and the ceremony of prayer, sacrament, &c. of that church merely. The Chancellor of the Exchequer said, nothing contained in the clause in question would either directly or collaterally preclude the Protestant Dissenters from appealing to Parliament again, when ever they thought proper. When that respectable description of persons last applied for relief from the Test Act, he had stated his sentiments on the subject fully and fairly, and although he had not since heard any thing that had weighed sufficiently with his mind, to make him alter his opinion, he agreed with his Honourable Friend, who spoke last but one, that whatever was done, respecting so important a consideration, ought not to be done collaterally. He was willing that the question should be discussed fairly, and discussed upon its own merits, independent of any other circumstance. With regard to the clause itself, he took the opportunity of informing the Committee, that the particular clause in question as well as several others in the Bill, were inserted as mere matter of form; not as allusive to the present times or any peculiar circumstance of the present times, but because they stood in other Regency Bills, and were provisions, which our ancestors thought it necessary to make, by way,

way, perhaps, of shewing a degree of superfluous caution on a subject, on which it was their duty to provide every guard and security that human prudence could invent.

The Clause was read and agreed to.

MARRIAGE CLAUSE.

When the Committee came to the following Clause :

“ Provided also, and be it enacted by the authority aforesaid, that if his said Royal Highness George Augustus Frederic, Prince of Wales, should not continue to be resident in Great Britain, or shall at any time marry a Papist, then, and in every such case, all the powers and authorities vested in his said Royal Highness, by virtue of this Act, shall cease and determine.”

Mr. Rolle rose, and began his speech with desiring leave to say Mr. Rolle on the present occasion, in justice to the Right Hon. Gentleman, that with respect to what he had to offer, he had not had any communication whatever with him. In what he had to propose, he meant nothing personal or disrespectful, nothing injurious or hurtful to the feelings of any individual. He spoke from the regard he had to the principles of the Constitution, which were the bulwarks of our freedom, and out of veneration for the House of Brunswick and a wish to secure the Protestant succession in that House, because that succession would secure our liberty. For these reasons, and with these views, and with those views only, he thought it his duty on the present occasion to propose an amendment to the Clause then under consideration, and he imagined no friend to the Revolution, the Protestant succession, and the House of Brunswick would disagree with him, in wishing that the Clause in question should be so worded as to guard against the possibility of danger to the important objects to which he had alluded. Could he have brought himself to believe, that as the Clause stood at present, it was sufficiently strong, he would not have proposed an amendment ; or if any person would step forward and confirm the declaration, solemnly made by a Right Hon. Gentleman not then present, in that House two years ago, he should be satisfied. That declaration had satisfied him at the time, nor did he mean to impeach its credibility, but, as doubts and scruples had nevertheless been still entertained, without doors, he

he wished those doubts and scruples to be effectually silenced, and that the question might be set at rest for ever. He might, he was aware, be a marked man hereafter for his conduct on this occasion, but that was not a consideration with him, when weighed against a sense of his duty. He repeated it, that he meant no disrespect to any person, but spoke merely out of regard for the good of his country. With respect to the words of his amendment, Mr. Rolle declared he was not bigotted to them, any other words that might be proposed, that would answer the same purpose, would equally please him; Mr. Rolle then moved to insert, after the words, *or shall at any time marry a Papist*, these words: “or shall at any time be proved to be married, in fact or in law to a Papist.”

Lord Belgrave.

As soon as Mr. Watson, the Chairman, had read the Amendment, Lord *Belgrave* rose, and declared himself extremely sorry to differ from his Hon. Friend, whose great weight and respectability justly entitled him to every degree of respect and consideration in that House, but differing as he did, on this occasion, with his Hon. Friend, he thought it proper to state the reasons of that difference of opinion. He understood, that at a former time, before he had the honour of a seat in that House, when it was proposed that an arrangement of the affairs of his Royal Highness the Prince of Wales should be made, his Hon. Friend had risen and declared, that he thought he could not act consistently with duty to his constituents and his country, if before he voted for the arrangement proposed, he did not desire to know whether there was any truth in a rumour of a very extraordinary kind; and with this view, his Hon. Friend, he understood had put the question, whether there was any foundation for the report of an indissoluble union having taken place with a very amiable and respectable character, whose religious opinions differed from the religious opinions of the established church of this country. A Right Hon. Gentleman, whose absence that day, his Lordship said, he most sincerely lamented, and especially the cause of it, had, on the occasion referred to, risen immediately and said, in the most decisive manner, that there was no truth whatever in the reports in question, that they were libellous, and neither had nor could have any foundation. Considering the weight due to the assertion of any individual Member of that House, and particularly to the asser-

tion

tion of a Gentleman of the character and authority which belonged to the Right Hon. Gentleman in question, he could not think that there existed any the smallest occasion to discuss the validity of such a rumour over again, and therefore he deprecated any such discussion, as not likely to answer any good purpose, and trusted that his Honourable Friend would withdraw his amendment.

The *Chancellor of the Exchequer* agreed with the noble Lord, Mr. Pitt, that the present was a Question that did not require any length of Debate, though he gave his Hon. Friend behind him, full credit for the purity of his motives, and though he believed there could hardly be found a man in the House, who did not feel that his Hon. Friend had, on the present occasion, acted upon the most laudable principles; yet he must differ from him entirely, as to the necessity of any amendment to the Clause in question. That Clause had been one of those to which he had alluded, when speaking of the Uniformity Clause, he had said, several of the Clauses of the Bill were mere Clauses of form, and put in as a matter of course, without any especial reference to the subject of the Bill. The fact was, they found them in former Regency Bills, and thought they ought not to shew a less cautious regard to the safety of the Constitution, than their Predecessors had deemed necessary. They felt, besides, that leaving those Clauses out of the present Bill, was more likely to be a matter of remark, than letting them stand as usual. Not feeling, therefore, any ground for departing from these provisions of their Ancestors, they had made them a part of the Bill; but for those reasons only, which he had explained, and not from any idea that they were more applicable to the present case, than to any former one. With regard to what his noble Friend had alluded to, the Chancellor of the Exchequer said, he wished not to advert to any thing which had formerly passed in that House, because that could have nothing to do with the present Bill, and he did not wish to go a step farther than the necessity of the case required.

Sir *William Dolben* began with declaring it to be his opinion, Sir William that his Honourable Friend had been actuated by the purest motives in proposing his amendment. He was perfectly convinced, that his Honourable Friend had thought the amendment necessary,

or he would not have moved it; he believed his Hon. Friend had conceived, that the words he proposed to insert were necessary, merely to quiet and set at rest the doubts that had been entertained, not by the vulgar and the mean, but by great lawyers, and many learned men. Such doubts ought to be done away; but he did not wish that the amendment should be excepted, if any learned Gentleman would rise and say, that the Clause, as it stood, was sufficiently strong to guard against evasion, and secure the Church and State from any difficulties and dangers that might be brought on it, by such a circumstance as that taking place, to guard against which, his Hon. Friend had proposed his amendment.

Sir A. Macdonald.

The *Attorney General* said, it was difficult to answer the Question of the Hon. Baronet directly and satisfactorily, because let Acts of Parliament be drawn up in ever so strong a manner, and with all the precautions that human prudence, foresight and ingenuity could devise, it was impossible to say, means might not be found to evade them; but that the security given by the present Bill was the same as had been given in former times, and it had been deemed sufficient by our ancestors. The Hon. Baronet had talked of Rumours, but though Rumours might cause enquiry, Rumours could not be made a ground for that House to legislate upon. With regard to the particular Rumour in question, he knew not, nor had he heard of any thing that could warrant or induce him to believe it to have any foundation. Sure he was, there was nothing before that House, which could make it necessary for them to alter the Clause of the Bill then under consideration, and, as far as experience proved, that House never had proceeded to legislate upon matter of Rumour.

Mr. Welbore Ellis.

Mr. *Welbore Ellis* said, he really did not understand, what the Hon. Gentleman meant by a marriage in fact or in law; but the Hon. Gentleman seemed to have forgot that there existed an Act of Parliament, which expressly declared, that his Royal Highness could not contract a marriage with any person, without his Majesty's consent, signified under his sign manual; that Act of Parliament was a full and sufficient answer to every thing that had been, or could be said on the subject. Mr. Ellis desired, that the 12th of George III. might be read.

Mr.

Mr. Hatfell accordingly read that clause of the Royal Marriage Act which provides, that previous to the marriage of the descendants of George the Second taking place lawfully, his Majesty's consent to such marriage must be first obtained, and signified under his sign manual; which consent must have the sanction of the Great Seal; and that all marriages contracted without the royal consent being so formally signified, were declared to be null and void, and of no effect whatever.

Mr. *Ellis* repeated, that the Act of Parliament ought to be the only answer given, whenever a doubt was started, whether the Prince of Wales was married in fact or in law. Mr. Ellis.

Mr. *Rolle* desired, that the Preamble to that Statute might be read; which having been read accordingly, Mr. *Rolle* said, he could not pretend to pronounce upon it, but he had heard it to be the opinion of some of the first lawyers of this country, that nothing contained in the Act of Parliament, just referred to, altered or affected the Clause in the Act of William and Mary, which enacted and declared, that any Heir to the Crown, who married a Papist, forfeited his right to the Crown. Mr. *Rolle* said, he did not wish to press any thing upon the House that was disagreeable to them, and therefore he would not divide the Committee; he was conscious of having done his duty in having moved the Amendment. Mr. Rolle.

Just as the question was about to be put, Lord *North* rose, and said, in answer to those Gentlemen who talked of danger arising to Church and State, by perusing the Act that had been just read, it would appear that no marriage *could* be contracted of the kind, respecting which they appeared to have such wonderful apprehensions, and therefore no danger could arise to Church and State in the manner apprehended. It had of late, his Lordship observed, been the conduct of the two Houses of Parliament to assume the power of making laws; as, therefore, the proceeding to legislate by two branches of the Legislature might be questioned, perhaps some Gentlemen might be disposed to challenge the validity of an Act of Parliament passed legally and constitutionally by the three branches of the Legislature; and thence, perhaps, the question of the Hon. Gentleman who spoke last. In answer to all such, he would only say, that if it were a question, whether an Act of Par- Lord North.

liament, regularly passed under all the due forms, with the joint concurrence of the King, Lords, and Commons, had the force of law? that question could not exist a single moment, without supposing, that all the bonds of the political Society which made their Constitution, were dissolved, and that they were reduced to a state of nature. The Act was in full force, and so it would remain, unless regularly repealed by some subsequent Statute. With regard to the Hon. Gentleman's motives for introducing a discussion that could have no effect, but only tended to make the Acts of the Legislature doubtful, and to raise idle and mischievous alarms throughout the country, he would not take upon him to pronounce what those motives were; they might be good, they might be bad; certain he was, be the motives either one or the other, the agitation of questions of the sort, which the Hon. Gentleman had started, could answer no wholesome purpose. The Hon. Gentleman, however, had declared, he would withdraw his Motion without dividing the House. He thought the Honourable Gentleman perfectly wise in so resolving, because, if the Hon. Gentleman had been rash enough to divide the Committee, he did not believe there would have been a single person to have divided with him. The Hon. Gentleman, therefore, must have given over all thoughts of having *tellers*. His Lordship pushed this railery to some extent, and repeated his arguments in respect to the validity of the Royal Marriage Act.

Mr. Pitt.

Mr. Rolle and the *Chancellor of the Exchequer* rose together, but the latter persisted in keeping on his legs, and obtained a hearing. He began with hoping his Hon. Friend would pardon him, if he said a very few words; but the manner in which the Noble Lord had chosen to deliver himself was so extraordinary, that he could not help expressing his surprize, that when the question had taken the turn, that every friend to that union and quiet which the Noble Lord had contended for, and which every Gentleman must have anxiously wished it should take, the Noble Lord should have thought it either necessary or proper to endeavour to create that division of sentiment, which it seemed to be the wish of the rest of the Committee to avoid. The Noble Lord had expressed himself in so taunting a manner to his Hon. Friend, that he seemed determined if it were possible to risque the danger of effecting an
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appearance of disunion, and of provoking his Hon. Friend to insist on that division, which he had handsomely declared he was willing to decline. The Noble Lord, with a degree of contemptuous and insulting raillery, had said, that his Hon. Friend's motives *might* be good. The Noble Lord, therefore, seemed to doubt them. The Noble Lord had as little right to doubt the motives of his Hon. Friend, as he had to doubt the motives of any one man in that House. The Noble Lord had thought proper to treat the subject with a degree of levity and of ridicule by no means suitable to its gravity and importance; and so hostile was the Noble Lord's temper, that he could not agree with them in attempting to avoid a disagreeable discussion, that for a variety of reasons had better not have been gone into. But luckily the hostility of the Noble Lord's temper was so harmless, that it could not rouse them to a vigorous defence; nothing could induce them to depart from the line they had taken, and to which they were determined to adhere. He would not, he declared, go into the discussion any more than he had done before; it was sufficient for him to say, that he took the whole of the case, together with the various laws that had passed, and all the circumstances of the declaration formerly made in that House, and putting these into the scale, they were enough to make him be of opinion, that there was no sufficient reason for the Committee to think the clause, put into former Regency Bills by their ancestors, was not a sufficient security against every danger that could reasonably be apprehended.

Lord *North* and Mr. *Sheridan* rose together, but as soon as the Lord *North* saw that the Noble Lord was up, he sat down. After having been so very severely reprimanded, his Lordship said, he apprehended the Committee would indulge him with endeavouring to defend himself for a very few minutes: deficient as he undoubtedly in many respects was, to many Hon. Gentlemen in that House, there was one point in which he would not give way to any man. He appealed to those who had sat with him for many years in Parliament, whether he had ever been considered as an uncandid man, or a man of a very quarrelsome disposition? He had not disputed the Hon. Gentleman's motives, he had only said, the agitation of the questions started by the Hon. Gentleman might do mischief, and could not be attended with any good

consequences. He thought so still. The Right Hon. Gentleman had said, he wanted to provoke the House to a division. His Lordship declared he wished for no such thing. If there was a division, he probably should divide with the Right Honourable Gentleman, and he seldom had that honour; and as the Right Honourable Gentleman generally divided according to the ancient maxim, *divide et impera*, he should not only divide with him, but command the object he divided for. If, therefore, he had been anxious to divide with the Right Hon. Gentleman, on that account surely a little anxiety might have been pardoned. When the Hon. Gentleman who moved the Amendment, had said, he would not divide, he had said he was glad of it. Where was the harm of that? With regard to going into subjects foreign to the purpose, he could not admit the charge; least of all could he admit that it ought to come from a quarter, where the discussion of a dangerous doctrine totally unnecessary to be agitated, had been insisted upon so peremptorily, that although the doctrine had never been questioned, Gentlemen were not suffered to sleep before they decided it. The doctrine of the Hon. Gentleman over the way, who questioned the validity of an Act of Parliament regularly passed, under all its forms, by the three branches of the Legislature, he must take leave to say, was of ten thousand times the importance of the doctrine of the Prince's Right. Was he to be reprimanded, if he mentioned, that he thought the discussion of it dangerous? If a Right Honourable Gentleman, on a smaller occasion, wished to settle the minds of men, might not he, on so great an occasion, wish to settle their minds also? His Lordship added other arguments in justification of his former speech, contending that it could not fairly be inferred from any part of what he had said, that he was a man much disposed to quarrel. He owned he had spoken with a little warmth, but with much less than the Right Honourable Gentleman often used, and with more candour than the Right Honourable Gentleman ever exhibited.

Mr. Rolle.

Mr. Rolle said, in bringing forward the discussion, he only meant to guard the Protestant Religion in this Country from danger; that he was conscious of having done his duty, and so far was he, when he was satisfied in his conscience that he was right,

right, from being afraid from persevering and maintaining a point that he had once started, that he would persist, if he stood single, and all the House was against him. On the present occasion, it mattered not to him who liked, or who disapproved of what he did; he would not withdraw his Motion, though he wished not to divide the Committee.

Sir *William Dolben* said, he could speak in favour of the noble Lord's candour from many years experience; he had heard him attacked again and again without mercy, and had seen him bear the most severe revilings, and the most taunting reproaches, with unexampled patience and candour, though he had resisted them with great firmness. After giving the noble Lord his feeble support for many years, he now saw the noble Lord acting in a different situation, and he might almost say of him, *Quantum mutatus ab illo, Hector?* With regard to the Clause in question, if they were of opinion that the words of the Clause as they stood in the Bill were adequate to the purpose, he for one would have them stand; if not, he should approve of an amendment; either that proposed by his Hon. Friend, or another that might, in the general opinion of the Committee, be deemed more adequate; because, as he had hinted before, doubts had arisen, and that not in the minds of the mean and vulgar, but in the minds of grave and learned men, whether a descendant of George II. if he married a Papist, would not, agreeably to the Act of Settlement, forfeit his right to the Crown?

Mr. *Martin* said, though he thought it unjust to incapacitate any man from holding a civil office for his religion, be it what it might, yet there was something so repugnant to the principles of the British Constitution, in the principles of the Roman Catholic religion, that the most alarming consequences were to be dreaded from an Heir Apparent to the British Crown marrying a Papist; and, therefore, if a division had taken place, and no other Gentleman had divided with the Hon. Gentleman who moved the amendment, he would have divided with him.

Mr. *Sheridan* said, he had less to say than when he first presented himself to the Chairman, because the noble Lord in the blue ribband had so ably and so completely answered his purpose of rising at all. There was, undoubtedly, a disposition on the

side of the House on which he sat, to treat the matter without much discussion, but he could not help thinking the Right Hon. Gentleman had endeavoured to raise a warm discussion, by imputing intentions which could not exist. The noble Lord in the blue ribband had treated the subject with that levity, which better became it, than the pompous solemnity it had been dressed up with by those Hon. Gentlemen, who had said, they had their doubts, but that they wished them to be hushed up. If any Gentleman seriously thought, that the matter, so darkly hinted at, had taken place, it was his duty to state the ground why he thought so, to propose an enquiry, and to probe that enquiry to the bottom. With regard to the Hon. Gentleman's motives, continued Mr. Sheridan, "I plainly say, I doubt the Hon. Gentleman's motives, and I say so, because I can judge only from a person's actions of the purity of his motives. I cannot pronounce them bad, because I cannot possibly know what they are; but let us compare them with his conduct. The Hon. Gentleman says, he has his doubts; he does not state why; he has Acts of Parliament consulted, tending darkly to sustain those doubts. What motive can he have, but to give suspicion wing, and disseminate alarm? Who has said any thing in favour of those doubts? It is true, a pamphlet has been written by an ingenious gentleman, the madness and folly of which are apparent in every page, and the whole drift of which betrays the author to be a bad citizen, because, when he roundly asserts that he seriously believes the fact he refers to, to have taken place, and then resorts to no means of bringing it to light, he insinuates what he ought not to have insinuated, without proceeding to establish it by something at least, that bore the resemblance of truth." The Honourable Gentleman over the way, Mr. Sheridan said, had acted exactly in the same manner, and therefore they were entitled to doubt his motives. The Right Hon. Gentleman, it was plain, did not believe the fact in question, or he would have been ready enough to adopt the amendment offered by the Honourable Gentleman. The Right Hon. Gentleman had surely dealt enough in Restrictions, providing against unnecessary apprehensions, not to be suspected of being ready enough to propose further Restrictions, if he could urge a colourable pretence for so doing. If the Right Hon.

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Gentleman really did entertain a suspicion, a doubt, or a scruple upon the fact, it ought not to be huddled up, and left unexplained; in that case, the Right Hon. Gentleman ought to take it up, and say he thought it right for the country to take it up himself.

The *Chancellor of the Exchequer* rose again, to observe that the subject had been treated in a most singular manner. The Hon. Gentleman who spoke last, seemed willing to make him vote differently from him, which was impossible: but so anxious had the Hon. Gentleman appeared, to force him to go into a discussion, which he had declared it to be his wish and his determination to avoid, that he had never betrayed greater warmth in agitating the subject he had most at heart, viz. a personal attack upon him, than he had done in endeavouring to oblige him to betray an equal warmth of temper, and abandon that ground which he had already taken. The Chancellor of the Exchequer shortly re-stated the summary of his former argument, why he did not think any addition to the clause, as it stood in the Bill, necessary.

Mr. Rolle observed, the the Hon. Gentleman had neither denied nor confirmed the declaration made by a Right Hon. Gentleman, two sessions ago.

Mr. Courtenay began in an ironical strain to bestow unbounded panegyric on Mr. Rolle, by saying, that the purity of his motives, and the honest ardency of his zeal, were proved beyond a possibility of doubt, by the weakness, futility, and absurdity of his arguments; for it was scarcely possible to conceive, that the Hon. Gentleman would introduce a motion of such a tendency into the House, unless he had really believed it was absolutely necessary to preserve the Protestant Religion, and to rescue us from the impending danger of Popery. The Hon. Gentleman, trusting to his internal feelings, and the approbation of his conscience alone, had disdained to borrow the least assistance from logic, or any species of reasoning, in support of his motion, and exposed himself in all the artless and naked simplicity of his understanding. And Hudibras justly observes that he who

To prove his zeal knocks out his brains,
The Devil's in him, if he feigns.

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This was the second time, Mr. Courtenay remarked, that the Hon. Gentleman had introduced this subject into the House, as one peculiarly adapted to the tenderness, delicacy, and sympathetic feelings, which always distinguished him. His apprehensions, though groundless, evinced his patriotic affections, and his regard to the true interest of his country; for if the Hon. Gentleman was so much alarmed without any real cause or foundation; what a generous ardour, what a noble impetuosity, and affecting eloquence would he display, to rouse the passions, and touch the feeling of every heart, if that bulwark of our liberties, the Protestant Religion, was menaced with inevitable ruin, and it was decreed that Popery was to be once more triumphant. But, Mr. Courtenay said, he hoped the nation had grown wise by experience; and as they had suffered so severely by placing implicit confidence in impostors, that they would not suffer themselves to be so easily duped at this moment, by malicious insinuations, mysterious suggestions, or idle rumours. There were, he said, always impostors anxiously watching to take advantage of the credulity of the people, and to derive fame or consequence from their prejudices. Titus Oates was once the idol of his day, and worshipped by the multitude; but his name was now justly consigned to contempt and infamy, and was likely to remain so, till it was degraded from the eminent rank it now deservedly held, by the superior merit of another impostor of these times, who excelled that celebrated Doctor in every art that had characterized his political life. One member of the House, Mr. Courtenay observed, seemed rather disposed to support the Hon. Gentleman's sentiments. He too trembled for the Protestant religion. His apprehensions reminded him of Jack's terrors in the Tale of the Tub, who complained to his brother Martin, "that the Church and State were in danger, for the Pope (as he was credibly informed) had been seen in a brandy shop in Wapping, and the whole city was thrown into the utmost consternation." Mr. Courtenay concluded by saying, that he did not suspect or insinuate, that the Right Hon. Gentleman (Mr. Pitt) had either suggested or approved of his Hon. Friend's sentiments. He only very handsomely vouched for the purity of his motives; the absurdity of his

his arguments, and his mischievous, though important efforts, he disclaimed. By this ingenious logic, the clearness of the spring was proved by the foulness of the stream; and the impropriety, indecorum, and indelicacy of the Hon. Gentleman's allusion, were amply compensated by the purity of his motives, or the chastity of his sentiments. The Right Hon. Gentleman apologized for his Hon. Friend, in the style and manner of the shew-man in Goldsmith's comedy, who admitted the awkward motions and uncouth gestures of his dancing bear. However, says he, "May this be my poison, if my bear ever dances but to the very genteelest of tunes, *Water parted*, and the *Minuet in Ariadne*."

Mr. Rolle rose as soon as Mr. Courtenay sat down, and said, not Mr. Rolle. all that Hon. Gentleman's buffoonery should drive him from his purpose, which was grave and serious, and ought to be gravely treated.

Mr. Grey rose, and said, the only answer that could or ought to Mr. Grey. be made, was the short answer of the Act of Parliament that had been read. Whether the Hon. Gentleman's motives were good or not, he would leave others to determine, but he did suspect they were not good, because they tended by their consequence to involve the country in disunion, alarm, and distrust. Mr. Grey was proceeding with great warmth to enlarge upon the ill effects of the consequences, which darkly insinuated doubts and unexplained scruples, founded in rumours which he stated to be malicious, false, libellous, and calumnious to the Prince of Wales, when he was called to order by

Sir William Moleworth, who said, he could not sit still, and Sir William hear his Hon. Friend's motives called in question, and a design to Moleworth promote such mischievous consequences imputed to him. He was one of the Hon. Gentleman's constituents; he knew the purity of his motives, and knew that it was the sense of his constituents in general, that he had at all times faithfully discharged his duty in that House, and was worthy of their confidence and esteem——

Mr. Grey interrupted Sir William Moleworth, and said, with Mr. Grey. increased warmth, that he would not be interrupted by any Gentleman, who, under pretence of calling him to Order, obliged him to sit down without saying a syllable to Order himself. When he was out of Order, the House, he trusted, would proceed regularly; what-

whatever he might say that was disorderly, the House would order his words to be taken down, and would proceed to ground a censure upon those words. To that censure he should always bow with due respect, but he would not be deterred from discussing any question before them, by any individual's rising to call him to Order irregularly. Mr. Grey justified his questioning the motives of the Hon. Gentleman, by declaring, that he conceived it to be his undoubted right to trace every Hon. Gentleman's motives from his actions. He made no scruple, therefore, to say he did doubt the motives of the Hon. Gentleman who moved the Amendment, and the Right Hon. Gentleman who had effected to desire that no discussion might take place. Mr. Grey proceeded in language of strong invective to reprobate the rumours alluded to as false, libellous, and calumnious, tending to create in the minds of the public, at a most critical moment, suspicions equally derogatory to the honour of his Royal Highness the Prince of Wales, and dangerous to the general welfare of the people, inasmuch as they were likely to promote distrust, dissension, and disunion.

Ald. Wat-
son.

Mr. *Watson*, Chairman of the Committee, said he was extremely sorry that a Question of Order had arisen, because, though no man was more desirous of doing his duty in that House than he was, in any situation in which the House might do him the honour to place him, perhaps there was not an Hon. Gentleman present less familiar with that intricate system, the system of Order. He did understand, however, that it was extremely disorderly for any Member to impute measures to any Hon. Gentleman for his conduct in that House, and therefore he was sorry that he had suffered the Hon. Gentleman, who had spoken last, to proceed in the first instance, to impute improper motives to the Hon. Gentleman who moved the Amendment.

Mr. Pitt.

The *Chancellor of the Exchequer* said, the Chairman, he believed, had very correctly stated the fact as to the point of Order, with respect to the imputing motives to Members for their conduct in that House. It certainly was disorderly to impute motives to any Member of Parliament for his conduct; and it was obvious that it ought to be so, because, if the practice were admitted, the freedom of debate, and of Parliamentary proceeding, would be undermined, and radically injured. Mr. Pitt proceeded to animad-

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vert on Mr. Grey's arguments; in the early part of his speech, the Hon. Gentleman, he observed, had stated, that the only answer to any doubt or scruple that could be suggested, as to the fact so often hinted at in the debate, was the Act of Parliament that had been read; and yet no sooner had the Hon Gentleman mentioned that as a sufficient reply, than he had thought it proper to proceed at a considerable length to add other, and, as he should conceive, much weaker arguments, certainly arguments much more injurious to the cause he meant to defend. Mr. Pitt, with great solemnity, animadverted on Mr. Grey's intemperance, and said, he was persuaded, had the Hon. Gentleman left the subject where he found it, he would have acted more judiciously, and in a manner which would not, he was sure, have left him so much cause of regret that he had spoken at all. Before he sat down, the Chancellor of the Exchequer said, he would repeat the substance of his former arguments, from which no intemperance of injudicious friends of his Royal Highness the Prince of Wales, no inapplicable argument, nor any ill-timed expression of zeal, either real or pretended, should induce him to depart. Mr. Pitt then distinctly declared, that it was a recollection of all the circumstances of the case, of the laws that were in being, the declaration that had been solemnly made in that House two sessions ago, as well as what had passed that day, that induced him to declare, that he did not see any ground on which there ought to be a public enquiry, and therefore he was willing to abide by the Clause as it stood in the Bill, resting upon the view, that he had ventured early in the conversation to take of the Bill, when he had stated his reasons for so deciding in a sort of temper, which he could not but consider as much more becoming the nature of the subject than that which had been betrayed by the other side of the House, and especially by the Honourable Gentleman who spoke last, who, if he knew any thing on the case, by his declaration had confirmed, that whatever he said was unnecessary to be said, and being declared with so much heat, was liable to some question. Therefore it was, that he had, in the beginning of his speech, declared, that the Hon. Gentleman, in a moment of reflection, would regret having taken any part in the conversation upon the clause.

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Mr. Rolle. Mr. *Rolle* said, the assertion of the Hon. Gentleman who sat down last but one, had, in some degree, confirmed the declaration of the Right Hon. Gentleman, who had two sessions ago declared, that no such event as that he meant to guard against, had taken place.

Mr. Dundas.

Mr. *Dundas* apologized to the House for having rather irregularly called for the question, when the Hon. Gentleman sat down the second time, but he had entertained hopes that the Committee in general would, on motives of common prudence and delicacy, have concurred in putting an end to the discussion at that period; things since had, however, taken a very different turn, and arguments had been advanced that required some answer. When he heard that a recent Act of Parliament was the only reply fit to be given to questions of the deepest and most serious importance, he could not submit that a matter of such magnitude should rest on such a point, nor would he agree that the effect of the Act of Settlement was virtually done away by a posterior act, which did not specifically repeal the Clause in a statute, in which the Constitution and the Country were so deeply interested, as the Act of William and Mary which had been alluded to. As little was he willing to submit, that the rumour alluded to, was a question rather to be laughed at than argued. So to state it, sure he was, was paying a bad compliment to his Royal Highness the Prince of Wales, and resting his cause on a weak and loose foundation. He was ready to say, that he disbelieved the rumour, for other, and, he conceived, for better reasons. He lamented a thousand and a thousand times the absence of the Right Hon. Gentleman who had made that declaration two sessions ago, which had decided his opinion at the time, and had since continued to preserve it fixed and unmoved. Most especially did he regret the cause of that absence; not that he meant to say, that he was pleased to see so able a political general as the Right Hon. Gentleman the leader of an adverse party in that House; he knew his abilities, his judgment, and his knowledge of political tactics, too well to wish to have him at the head of an opposing corps, though he had no scruple to say, he should like at all times to see troops marshalled and led on by an able and a skilful general; but he wished for the
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Right Hon. Gentleman's presence, because he entertained so high an opinion of the Right Hon. Gentleman's sincerity, that he was confident he would have come down to the House, even at the risque of his life, to have stated his sentiments on the Motion of the Right Hon. Gentleman behind him, if any thing had occurred to have induced him to alter the opinion, that he entertained, when the subject had been brought under discussion on a former occasion. On that opinion, solemnly delivered as it had been in that House, Mr. Dundas said, he perfectly relied; and therefore he was ready to say, he did not give the smallest credit to the rumours which had been so often referred to in the course of debate. The Hon. Gentlemen on the other side of the House seemed anxious to provoke a discussion of the whole subject; he, for one, should feel no delicacy in the world, but for a single consideration, and that was, because *two* persons must necessarily be made the objects of the discussion. With regard to one of the high and respectable personages alluded to, he certainly should feel but little difficulty, although no man felt more respect for that exalted personage than himself; but with regard to the other amiable character, he confessed, when that sex came into question in that House, he knew not how to agitate a subject of such delicacy. He, therefore, wished at all times to shut the door upon such discussions. With regard to the Honourable Gentleman's argument, that he had a right to impute what motives he pleased to any Honourable Gentleman in that House, surely the Honourable Gentleman was the last man living that should use that species of reasoning. Had the Hon. Gentleman forgot, that two Sessions ago, when a Motion was agitated that did appear to be a question personally connected with one of the Hon. Gentleman's relations, [Lord Tankerville] and the motives of agitating such a question was talked of, as unworthy a Member of Parliament, the Hon. Gentleman had taken fire on the occasion, and in terms of uncommon warmth and indignation declared, that he deemed it disorderly to impute any motives, other than good ones, to any Hon. Gentleman who brought forward any question within those walls. Mr. Dundas laid considerable stress on this fact, and concluded with hinting to Mr. Grey, that it would have shewn more prudence, and have better served the cause, on the behalf of which he had exercised

his zeal, if he had restrained that zeal, and taken no part in the Debate of that day.

Mr. Grey. Mr. Grey rose again, and said, he did not mean, by making a speech then, to lengthen the debate, he rose merely to say, that so far from feeling what the two Right Hon. Gentlemen had said, he must feel, on sober reflection, some portion of regret for the manner in which he had delivered his sentiments; he was, upon mature and cool reflection, ready to profess himself happy for having so delivered his sentiments, since they had drawn from the two Right Hon. Gentlemen, express declarations, that they neither of them believed any thing of the Reports so often alluded to in the course of the debate. Mr. Grey repeated his reprobation of those reports as false, libellous, and calumnious. He admitted the justice of Mr. Dundas's remark relative to Mr. Fox, and assured the Committee, that it was due to the character of his Right Hon. Friend to declare, that no consideration of health, or any other circumstance, would have prevented his attendance in his place, if he had not, at that moment, been fully satisfied that what he had asserted on a former occasion, was strictly true. Had the case been otherwise, his Right Hon. Friend would undoubtedly have been present even at the risque of his life. The Chancellor of the Exchequer, he observed, had said, that on cool reflection, he must feel some regret at what he had said; and the other Right Hon. Gentleman had said, that he was the last man living who ought to have imputed improper motives to the Hon. Gentleman who made the Motion of Amendment that day, because the Right Hon. Gentleman had said, he took fire in a former Session, when improper motives had been talked of relative to a Motion that he had introduced. He admitted, Mr. Grey said, that the fact was, as the Right Hon. Gentleman had stated it. He had not been a Member of that House long before the occasion in question had occurred, and he had felt his honour deeply wounded at an imputation, which he felt to be so unmerited at the moment: but the Right Hon. Gentleman at the head of his Majesty's Exchequer had soon reconciled him to such conduct, and by his own practice had taught him to believe that it was the usual practice of the House. With regard to the Hon. Gentleman's virtuous motives, who had made the Amendment; the Hon. Gentleman had,

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by his own conduct, provoked a proof of his intentions to be made, and forced him, among others, to urge him to come forward with a full declaration of all he meant by his dark allusions. Mr. Grey said, Mr. Dundas seemed to intimate that he had "hurt the Prince of Wales's cause by his indiscretion; he thanked God, it was a cause so good in itself, that it could not be hurt by any man's indiscretion. If any man had a charge to make, he challenged that man to bring it forward.

Sir *William Moleworth* rose again, and apologized for the warmth with which he had called the Hon. Gentleman to Order before, declaring that he had so high a sense of the goodness of Hon. Gentleman's motives, who had proposed the Amendment, that he could not sit silent and hear those motives impeached. Sir William said, he was always sorry to differ from his Hon. Friend, but he must differ from him respecting the Clause in the Bill, to which the proposed Amendment referred, because he was convinced, that the Clause, as it stood, was an adequate provision for the security of Church and State, and the succession of the House of Hanover. Sir William added more observations, but he delivered them in so low a tone of voice, that we did not distinctly hear them.

At length Mr. Watson put the Question on Mr. Rolle's Amendment, which was negatived without a division.

RESTRICTION RESPECTING THE CREATION OF PEERAGES.

As soon as the Clause on this topic had been read,

Sir *James Johnstone* rose and said, he could not agree to this Clause, because he considered it as shutting the door of the House of Lords against the Commons of Great Britain. Sir James thought the Restriction ought to be in some sort or other qualified. If the Regent were allowed to make but one Peer a year, he should be satisfied, but he could not agree that the other House should obtain an undue weight in the scale of the Constitution, and that the heads of wealthy and respectable families, who had seats in that House, should be debarred from any chance of having the honours of the Peerage conferred on them.

Mr. Joliffe. Mr. *Joliffe* said, he had refrained from stating his objections to the projects of the Right Hon. Gentleman, because he was desirous to see the extent of his plan, and what limits he would place to his ambitious views. He had valued himself on the boldness of his conduct; but he had overleaped the expectation of his most sanguine admirers. He would not, he said, now enter into any discussion of the subject at large, (which he proposed to do at a future opportunity) but he would confine what he had to say to the question immediately before the Committee. The Royal Prerogative of granting the highest honour and dignity that a subject could receive, was, perhaps, the very first privilege of the Sovereign, and was given for wise and beneficial purposes, for the advantage of the people, and those who were the objects of Government, and for whose benefit all Government was erected, and not for any aggrandisement or benefit to the Governor. If prudently exercised, it was a power judiciously placed, but should on no account be subject to positive and absolute limitation. The defects arising from an injudicious, or lavish exercise of this power, was to encrease, in too great a proportion, the aristocratic part of the Constitution; but the limiting that prerogative, was to invest in one part of the legislature, the whole legislative capacity of the kingdom. The reasons for the prerogative were two: the one to enable the Sovereign to reward merit, and to bestow favours on the deserving; the other, to prevent a combination in the House of Peers, which might subvert the very existence of Monarchy itself. If this power was well placed in the hands of the King, it must be so in the hands of the Regent; for misuse of power was as liable to one man as to another. If the Ministers of the King were censurable for ill advice, so were the Ministers of the Regent; and if the Government was intended to be well administered, it was as necessary that this power should be in the hands of one as of the other. Merit was liable to arise at all periods, and equally deserved reward. The House of Peers were as subject to a combination during a Regency, as at any other period, which required controul at all. There could, therefore, be no reason assigned for this limitation; the only excuse was, that it was a temporary expedient during the incapacity of the King. But why

was merit to go unrewarded? Or, why were the Peers to have a positive ascendancy over the other branches of the Legislature, during that interval; for no avowed reason, but in reality to give to the Right Hon. Gentleman that influence and power, at which he had been long aiming. Another indisputable objection was, that no period was fixed when this limitation should cease. So that if his Majesty lived for any period, however long, and his malady continued, the Peers might, in defiance of the other branches of the legislature, shut their doors, and govern the country in any manner they thought proper. He therefore moved to limit this restraint for the term of one year.

Lord North followed Mr. Joliffe on the same side. His Lordship said, this Restriction, he understood, like all the others contained in the Bill, was grounded on the probability of his Majesty's speedy recovery. In debating the Resolutions it had been admitted, that if the period antecedent to his Majesty's recovery should unfortunately prove a long one, this Restriction, respecting the power of making Peerages, would be an improper one. It was exceedingly material, therefore, to look to dates. The first of February, which was the time stated in the amendment, was almost a year from that day. It was two months since they had first examined his Majesty's Physicians, and his Majesty had been ill almost as long before; the period prescribed by the Amendment would be full fifteen months from the commencement of his Majesty's illness, as laid before the Privy Council. He appealed, therefore, to the serious consideration of the Committee, whether this Restriction did not tend to make the House of Peers form too great a balance in the Constitution, to overweigh that House, and destroy the equipoise which the Constitution had wisely given to the three branches of the Legislature. His Lordship repeated his former argument, that if the Clause passed without limitation, it would tempt the House of Lords to retain the power it gave them, and to refuse to part with it, when circumstances might hereafter render it adviseable to take off the Restriction. By limiting the duration of the Restriction to the first of February, he contended, that the House would reserve its own right to exercise its authority. If the King should not then be recovered, they might resume the consideration, and continue it for a longer time, if they should

deem it to be adviseable : whereas, if they passed the Restriction without any limitation, they would deprive themselves of the power of exercising their own discretion, and lay the House of Commons at the mercy of the House of Lords.

Mr. I. H.
Browne.

Mr. *Isaac Hawkins Browne* said, he should vote against the Amendment, although he had before voted for some limitation of this particular Restriction. He said, whenever the melancholy occasion should occur, that they should find themselves unfortunately obliged to consider his Majesty's recovery improbable, he was sure they would all meet it with the extremest regret, and the most heartfelt concern. It would, therefore, be too early to be a welcome occasion, let the period be ever so lengthened. At present they felt some consolation under the calamitous circumstances of the country from the assurances of his Majesty's Physicians, that there was a strong probability of his recovery. They ought, therefore, to allow time for that happy event to take place, and he should think three years not too long a time. Two years at least ought to be allowed ; and therefore as he did not consider two years too short a period, he certainly should object to an Amendment which proposed only one year.

Mr. Pitt.

The *Chancellor of the Exchequer* declared he objected to the Amendment, on the same ground on which he objected when the Resolution had been under discussion in the Committee on the State of the Nation. The noble Lord had urged the same reasons against it which he had then advanced, and which had then been answered, and therefore he should not repeat his arguments over again. With regard to the Amendment, he thought one year too short a time for a limitation, if a limitation of any particular Restriction were deemed necessary. Mr. Pitt agreed with the Hon. Gentleman who spoke last, that it was perfectly fair for those Gentlemen who had deemed some limitation necessary to object to the Amendment, as proposing a limitation of too short a time.

Mr. Fitz-
herbert.

Mr. *Fitzherbert* considered the Bill as a Bill that would make it impossible for the Regent to carry on the government of the country. Our ancestors, in framing the Constitution, had, he said, adopted three branches of the legislature, each of which was to have a distinct and separate power. He was, he declared, as unwilling to invade the rights of the Crown as of any other branch ;

but

but the Bill took away the necessary powers of the Crown, and provided a crippled and enfeebled Government. Mr. Fitzherbert alluded to the famous vote, "That the Influence of the Crown had increased, was increasing, and ought to be diminished;" and contended, that the present Bill tended to diminish it so totally, as to destroy its necessary consequence in the Constitution.

Mr. *Martin* said, he should apprehend, that if, by the time Mr. *Martin* mentioned in the Amendment, his Majesty's health should not be restored, there would be a very poor chance of his recovery. Much, therefore, as he wished for his Majesty's being capable of resuming his Government, he should vote for the Amendment.

Mr. *Burke* began with declaring, that he had always doubted Mr. *Burke*, the intentions of the proposer of the Resolutions, when he got the House to vote those Resolutions. He had stated his fears at the time, and those fears (that it was intended by prevailing on the two Houses of Parliament previously to pledge themselves, in order to force them to abandon their deliberative capacity hereafter) were now fully verified. The Right Hon. Gentleman had declared, that unless any thing new was stated, he would say no more upon the subject. One Right Hon. Gentleman lamented his Right Hon. Friend's absence a thousand times; Mr. *Burke* said, he comparatively had reason to lament it ten thousand times. If the Right Hon. Gentleman had lamented the absence of a General, the ablest that ever conducted an Opposition Army, what ought not his lamentation to be? The Right Hon. Gentleman had a high sense of the Phalanx he fought with. If he ran, he knew he ran with Kings. He therefore thought nothing of conquering their irregular army without their General to lead them. The Right Hon. Gentleman, he said, reminded him of Montecuculli, who, on the death of Marshal Turenne, broke his staff, and said he would fight no more, because he had no enemy left that was worthy to cope with. Mr. *Burke* here adverted to the period of history to which he alluded, and stated a variety of facts apposite to his argument, declaring that he wished the Right Hon. Gentleman an happy retirement, conscious as he was that he was opposing an adversary that could ruin him, and who chose that day to conquer, as all good generals would wish to do, without risking a battle. Mr. *Burke* said, whether he could produce any thing new or not, he should certainly acquit his conscience,

science, and endeavour to do his duty. He desired, in the first place, to be shewn when in any Regency Bill, preceding the present, there had been a limitation of Peerages? He contended that the present limitation must be proposed on a suspicion that the Prince would abuse his trust, or that his Royal Highness's Friends were such men as were suspicious, or from the affected motive that the King would be hurt, if, upon his recovery, he found a change of tables, chairs, and stools about his person; for it was not less absurd to suppose one thing than the other. Mr. Burke, in order to exemplify his argument, that the King had, at various times, suffered different men, and at different periods, to increase the Peerage, ran through a list of the various administrations of late years. He first mentioned Lord Rockingham, whose power, he said, had been as large as his heart, and yet, when he possessed the power a second time, he used it with mildness. He, in this part of his speech, suffered his natural warmth to hurry him into a violent invective against the supporters of the Bill. He imputed their insisting on such a Restriction, as that under consideration, to the blackness of their hearts, and the rooted degree of their malignity. He charged every man who should vote for the Restrictions fully and explicitly with the worst motives, because he could not suppose they would vote without. With regard to the probable prodigal making of Peers, Mr. Burke said, it was a slander. The motives could not be formed from the Prince, because those who ascribed them did not know him; it could not be from the men, because their power had before been exerted without abuse. The Duke of Portland, for instance, had often served his Majesty; first as Lord Chamberlain, which place he filled with high honour; then as Lord Lieutenant of Ireland; and lastly, as First Lord of the Treasury; and in each capacity the noble Duke had acted to the satisfaction of his Sovereign. Would it be contended, that his Majesty could be pleased only by one person? Let it be remembered how many and how different the sort of men were that he had at different times favoured? The Earl of Shelburne, who was at one time generally supposed to be disliked by the King, and who was *now in the woods*, was at a particular period in favour. The Right Hon. Gentleman also, who was once the last person likely to be in favour at Court, had since been in favour, and had well repaid that favour; why

then

then was it to be supposed that persons who had been once in his Majesty's favour might not be so again? There never had been so many Peerages made, Mr. Burke said, as during the present Administration. He adverted to Mr. Rolle's declaration on a former occasion, that there had been persons created Peers during the present Minister's power *who were not fit to be his grooms*, and made a variety of pertinent and pointed animadversions upon it; and yet he observed, that at the same time that the Right Hon. Gentleman had made the largest use of this exercise of the Royal Prerogative, the Right Hon. Gentleman would not permit a temporary exercise of it by the Ministers of the Regent. If, therefore, the Committee put no period to the Restriction, Mr. Burke said, it was directly against the Constitution; and he asked if no great men in this kingdom existed worthy of being distinguished, except those whom the Right Hon. Gentleman had distinguished? He contended, that this was an affront to the noble young men of the kingdom, and he put several cases hypothetically of young men of noble families fit to be made Peers. He took notice of the declaration of the Lord Chancellor in the House of Lords, that the Prince might indemnify himself by *promises*, which he considered as an affront to the law, the landed interest, and the *Noblesse* of the House of Commons. Mr. Burke went over Lord North's ground of argument, that the Restriction in question would tend to support the House of Lords in a combination against the Crown, and to encourage a faction in that House; points which he urged with additional force of argument. In the course of his speech, Mr. Burke more than once, by the vehemence of his manner, caused an expression of laughter from the other side of the House, on which occasion he collected himself with dignity, and repelled the ridicule. On one of those occasions he said, *Gentlemen might laugh poor honesty out of countenance*, but they would better prove their claim to respect by answering his arguments. He put it to their consciences, when they considered what they were doing, whether they were acting justly, acting as they did? declaring that their conduct would only vex him at the moment, as any other inanimate thing might that came in his way, without seriously disturbing his judgment, or affecting his mind.

Mr. *Thistlethwaite* said, he had not spoken his sentiments before; he therefore took the opportunity of declaring that he highly

Mr. Thistlethwaite.

applauded the conduct of the Right Hon. the Chancellor of the Exchequer, that he had not shewed the least disrespect to the Prince of Wales, and that there was, in his opinion, no foundation for the complaint of a crippled Regency.

The Peccage Restriction was voted.

At length, proceeding to the Restriction relative to Pensions, Reversions, Offices for Life, &c.

Lord North. Lord *North* renewed his argument, that the King ought, on his recovery, to find himself in no worse situation than before his illness; and that therefore, although the Regent might be restrained from converting any place during pleasure into a place for life, yet he ought to be enabled to grant places for life as they fell in. His Lordship moved, as an amendment, to insert words substantially, importing that the Regent should have no power to grant such places for life, as were, on the first of November last, places during his Majesty's pleasure.

After some conversation between the *Master of the Rolls*, Lord *North*, and the *Chancellor of the Exchequer*, the latter arranged the amendment, so as to make it fall in naturally with the construction of the sentences of the clause. Lord *North* returned his thanks to the Right Hon. Gentleman for his arrangement, and the question on the amendment was put and negatived.

Lord North. Lord *North* next suggested the propriety of an amendment, grounded on the probable circumstance of the Regent's having occasion to appoint a Lord Chancellor, or a Lord Keeper. In that case the Regent must necessarily look to high situations in the law, or to Barristers in great practice; and as the place of a Lord Chancellor was precarious, from its being a political situation, it could not be expected that any man would quit the bench, or the bar, without some security in case of dismissal from the office of holding the Great Seal, &c. His Lordship enlarged much upon the point. He observed, that Judges held their office *quamdiu se bene gesserint*, and that the place of a Lord Chancellor was properly during pleasure. What, therefore, he said, could induce a Judge, who held his office for life, or a Barrister, who might get from five to seven thousand a year by his practice, to quit either for the Great Seals, which he might not perhaps hold for a fortnight, unless some security was afforded him by a reversionary office? He reminded

reminded the Committee, that the avowed principle on which it was declared a Regent ought to be appointed was, *that he should chuse his political servants*, and surely it would be admitted, that a Lord Chancellor was as essential a political servant as any other whatever. He declared, therefore, that he had prepared some words to come in by way of addition to the clause, but he did not think that a sufficient security, because, in case a place of reversion was given to a Lord Chancellor, upon either resignation or dismissal, the person who had held the Seals might be a considerable time without any provision. He therefore meant to move a clause (which he was aware must be proposed at the end of the Bill, but which he thought it fair to state then, as it made an essential part of the consideration), that the Regent should be empowered to grant such person, accepting the office of Lord Chancellor, a *floating* pension of 2700l. a year. His Lordship explained, that the reason of his taking the particular sum of 2700l. a year was, because that was the sum allotted by Mr. Burke's Bill for the Reform of the Civil List to Tellers in the Exchequer, in lieu of emoluments heretofore. This, his Lordship said, was a less sum than any Lawyer and Barrister of great business must quit when he accepted of the place of Lord Chancellor. His Lordship added some further remarks, illustrative of his first amendment, and the clause that he meant, in a subsequent stage of the business, to move. He concluded with intreating, that although it was, he well knew, a small irregularity, that both the one and the other might be read, as they made a part of the same object.

The Amendment and the intended Clause were accordingly read by the Chairman.

Mr *Burke* rose immediately, and made a short speech in relation Mr. Burke. to his own Bill, the object of which he complained, had been frustrated by the conduct of those who had acted on a different system.

The *Marquis of Graham* objected to the amendment, and to the Marquis of Graham. Clause, because he conceived they tended to give the Regent a power beyond any, that the Crown enjoyed. His Lordship very neatly and nervously explained the principles on which he grounded his opinion.

Mr. Pitt.

The *Chancellor of the Exchequer* said, he believed it was not Parliamentary to discuss whether there was a certainty of finding a successor to the noble and learned Lord, who now held the Great Seals; he hoped so unfortunate a circumstance as the country's being in danger of being deprived of the assistance of so able a Minister was not likely to happen; certain he was, a fit successor could not easily be found. When this matter had been alluded to by the Right Hon. Gentleman, who was absent, he had fairly stated what he thought to be the fact, that there ought to be the means of inducing a person fit to hold the office to take the Great Seal. He was of the same opinion still, but he did not conceive the House ought to anticipate such a vacancy, and to provide for it before it happened. With regard to the sum of 2700l. a year, as the amount of a floating pension, to provide for the person who might be dismissed from the Great Seal, he thought it a fair proposal; but he objected to its being adopted as part of the present Bill, because he deemed it both premature and unnecessary. Whenever the occasion occurred, a Bill might be brought in to provide for it, and he saw not the smallest objection that could be made to it; but if they agreed to it now, they would seem to anticipate a declaration of an opinion, that the Regent must necessarily have a new Chancellor, an event which, he was persuaded would be seriously lamented by the country.

Ld. North.

Lord North said, he hoped with the Right Hon. Gentleman, that there might be no occasion; but he must say, that if the power was not put into the Regent's hands, they receded from their declaration of giving the Regent the power of choosing his political servants. His Lordship argued and maintained this point very ably, contending, that if, upon a vacancy of the Great Seal, the matter was to be debated again in the House of Commons, it was breaking the corner stone of the plan, the foundation of which was, that the Regent, and not the Parliament, should have the choice of his political servants.

Mr. Pitt.

The *Chancellor of the Exchequer* replied, and persisted in his argument that the Amendment was not necessary, as no objection could be made, when the occasion to apply to Parliament should be necessary.

Lord *North* rose again and contended, that it was and had Lord North. been usual for Parliament to interfere with Ministry holding their places, by addressing the Crown to remove certain Ministers from its Councils, but it had never gone so far as to advise the Crown to appoint A. B. or C. D. Ministers, and that he contended would, in effect, be the consequence of not adopting his Amendment.

Mr. *Sheridan* argued, that what had fallen from the Right Mr. Sheri- Hon. Gentleman amounted to a declaration that he considered the dan. present Lord Chancellor as thinking so highly of the successors of the existing Ministers, that he was willing to remain in office notwithstanding his present co-partners were dismissed. He considered the Right Hon. Gentleman's conduct as a design to smoothe the way to the Lord Chancellor's retreat, when necessary, and as providing for adding that noble Lord's strength as long as he did remain in office, to that fortress, which, Mr. Sheridan said, he had before described as the place of strength which the Right Honourable Gentleman had provided for his own retreat. He pointed out a variety of possible cases that might occur, supposing the present Lord Chancellor was to continue in office, and yet an occasion might offer to induce him to quit his situation. Suppose, said Mr. Sheridan, there should be a vacancy, in any distinguished office in the law. The office of the Master of the Rolls, for instance; and though a learned, respectable, and every way a qualified Gentleman, should be proposed by the Minister, the Lord Chancellor should resist the nomination, and should declare, that he would not ratify it, by putting the Great Seal to the Commission. After a deal of resistance, and a full exemplification of the natural ferocity and sturdiness of his temper, and the possibility, on its being signified that he must either give way or quit his situation, he might, in spite of his brutal bluntness, give way, and assent to the appointment; but suppose he should not, or suppose that by illness, as at present, the Lord Chancellor was prevented attending his duty in the House of Lords, a vacancy might possibly be occasioned; who could the Regent's Administration procure for a successor under the disability of the Bill then before the Committee? Mr. Sheridan said, the Right Hon. Gentleman had so often signified his departure from Office, and taken
leave /

leave of the House again and again, that it was wonderful he had not before signified the preference the present Lord Chancellor gave his probable successors compared with the present Ministers.

Mr. Pitt. The *Chancellor of the Exchequer* said, the Hon. Gentleman had indulged himself in imputing words to him, which he had never spoken, and applying arguments that he had never uttered. The Hon. Gentleman had said, he had signified his departure from office; surely the Hon. Gentleman had a most perverse memory. His successors had been named to him; but he had never yet heard any thing that authorized him to say he was about to quit his place. When he did hear any thing like it, he should have much to say to that House, to express his acknowledgements for the honourable support he had received, to confess his obligations to them, and to declare his hopes, that he should not quit his situation, avowing principles less worthy their regard and esteem, than he brought with him into office.

Mr. Sheridan. Mr. *Sheridan* replied, that the Right Hon. Gentleman, he did not doubt, would make a fine speech at his exit from office, or according to the vulgar expression, make an excellent delivery of his *last dying words and confession*.

Mr. I. H. Browne. Mr. *I. H. Browne* delivered a very handsome panegyric on Mr. Pitt's Administration.

The Committee proceeded though the next Clause, that respecting the Duchy of Lancaster.

The Chairman was then on the Motion of the Chancellor of the Exchequer, directed to report progress and ask leave to sit again.

As soon as the House was resumed, Mr. Watson, the Chairman of the Committee, reported progress, and the Committee had leave to sit again next day.

Monday, February 9.

ROYAL MARRIAGE.

Mr. Rolle. Mr. *Rolle* rose, and said, before they moved the Order of the day, he desired to call the attention of the House to a paper, that
he

he held in his own hand, and which he would read to the House; Mr. Rolle then read it as follows:

“ Mr. Grey was very severe upon Mr. Rolle; without any reservation whatever, he charged the Mover with motives devoid of honour and principle—such as *no honest* man would dare to do, or could justify.”

Mr. Rolle said, his motives for moving the Amendment, that he had proposed on Saturday were, because he considered the Clause in the Bill did not attach to certain cases that might possibly happen. He saw no Statute or Act of Parliament that guarded against the previous Marriage of the Regent, as such a circumstance would be improper, he wished to guard against any such possible case. The present Bill, he conceived, would be an Act of Parliament which did attach to a Regent's Marriage. He had wished, therefore, by establishing a Precedent to guard against the possibility of any future misconception on the subject. His principal object was to support the House of Brunswick, and to give the Prince, for whom he entertained a sincere respect, an opportunity of clearing up all doubts. When the Hon. Gentleman opposite to him, had used violent epithets in the course of his speech as imputable to his motives, he had not thought he was serious, but attributed them merely to the heat of debate; if, upon cool reflection, the Hon. Gentleman should persist in those declarations, he should think them as uncandid and illiberal, as they were unjust.

Mr. Grey was upon his legs but was interrupted by Mr. SPEAKER, Mr. Grenville who said, it was with much pain that he had listened to the Hon. Gentleman, but he had really imagined, from what he had said in the early part of his speech, that he meant to have concluded with some Motion. Nothing could be much more disorderly, than for any Member to allude to what had passed in debate on a former day; but it was more disorderly to make what appeared in a newspaper, the subject of debate in that House. He begged, therefore, not a syllable more might be said, respecting what had fallen from the Hon. Gentleman.

Mr. Rolle was proceeding to declare that his only motives were——

When

Alderman
Newnham.

When Alderman *Newnham* interrupted him by observing, that if one Gentleman had been heard, he hoped another would be permitted to be heard.

The SPEAKER insisted that such a disorderly conversation should not continue.

REGENCY BILL.

The *Chancellor of the Exchequer*, therefore called for the Order of the Day, which having been read accordingly, and Alderman Watson having taken his seat at the Table.

The Twelfth Clause was read by the Clerk,

Mr. Demp-
ster.

Mr. *Dempster* said, he found by that Clause, the Prince of Wales was not to have any thing to do with the personal Estate of his Majesty, he begged to know, who was to have any thing to do with it?

Mr. Pitt.

The *Chancellor of the Exchequer* said, the question the Right Hon. Gentleman had put was, whether there was a positive provision, in answer to which he declared there was; but they knew nothing of that personal property. He knew not where it was, but if the King possessed it, it must be in the hands of a 'Trustee.

Mr. Anstru-
ther.

Mr. *Anstruther* rose next, and desired to know, who those Trustees were. The property might be squandered away. They did not know to whom to apply, or if they did, they might not be able to get at it. If they took care that the son should not embezzle that property, they ought to take care also that nobody else should. Mr. *Anstruther* said, he should propose a Clause appointing the Princes of the Blood, the Lord Chancellor, and the principal Judges, he meant the Chief Justices of the Courts of King's Bench and Common Pleas, Trustees.

Mr. Pitt.

The *Chancellor of the Exchequer* said, as it was a separate Clause, it had better be offered at the end of the Bill.

Mr. *Anstruther* acceded to the proposition.

The thirteenth Clause was read, and carried without any observation.

The fourteenth Clause, providing for the payment of his Majesty's Household, under the direction of her Majesty, being read,

Sir

Sir *James Erskine* opposed it, as granting larger powers than Sir *James* were necessary to be granted; and considered, that the expence of ^{Erskine.} the Household might be much decreased.

The *Chancellor of the Exchequer* said, that some circumstances Mr. Pitt, arising from his Majesty's situation, rather tended to increase than diminish the expence of some parts of the Household.

Mr. *Sheridan* objected to the Clause, as wholly unnecessary, and Mr. *Sheridan.* as tending to create a double Government of the Household, in the Queen, and in the Treasury.

The *Chancellor of the Exchequer* replied, that there would be no Mr. Pitt, double Government, the Treasury having nothing more to do with the Household by the present Clause, than to issue the sums ordered.

Mr. *Burke* objected to the Clause, as tending to the subversion Mr. *Burke.* of the privileges of the Act of Establishment of the Civil List; and as tending, likewise, to the subversion of œconomy, and calculated only for the purpose of providing for a favourite and necessary corps.

The *Chancellor of the Exchequer* intimated to the Committee, Mr. Pitt, that messengers were attending from the Lords, and for the purpose of receiving the message, moved that the Committee should report progress.

This being immediately agreed to, the House was resumed, and the messengers called in.

MESSAGE FROM THE LORDS.

The Lords had commanded the Messengers to acquaint the House of Commons, that they would proceed further in the Trial of Warren Hastings, Esq. on Monday next.

The messengers being withdrawn, Mr. *Burke* informed the Mr. *Burke.* House that he understood a Petition had been delivered by Mr. Hastings to the Lords, setting forth, that he had expended already in the course of the trial 30,000*l.* and prayed their Lordships to proceed with all speed to his trial. Mr. *Burke* expressed his readiness to proceed as speedily as possible to the issue of that, on which he considered his honour to be most solemnly pledged. He remarked that the sum expended by the public in the course of the trial was much less than had been stated to have been expended

expended by Mr. Hastings, and concluded by observing, that he understood their Lordships only meant the trial should stand for Monday, *pro forma*, but that they did not intend to go into it on that day.

The House again resolved itself into a Committee on the adjourned Debate on the fourteenth Clause, Brook Watson, Esq. in the Chair.

A short conversation ensued upon the Clause, in which Mr. Pitt, Mr. Sloper, Mr. Burke, Mr. Sheridan, Mr. Powys, the Attorney General, Sir James Erskine, and Lord North, took part.

Mr. Powys. Mr. Powys moved that the Clause be postponed, in which Motion he was supported by Lord North, upon the ground of the propriety of deciding upon a subsequent Clause first, which was the basis of the present.

This Motion being persisted in, the Committee divided,

<i>Ayes</i>	—	—	—	87
<i>Noes</i>	—	—	—	132

Majority against its being postponed 45

The Clause was then put and carried without a division.

The fifteenth Clause was put and carried without any conversation.

The sixteenth Clause, relative to the Privy Purse of his Majesty, was next proposed, which was opposed by Mr. Dempster, Sir William Cunynghame, Mr. Burke, Sir William Moleworth, and Mr. Sheridan; and supported by the Chancellor of the Exchequer, Mr. Dundas, Sir James Johnstone, and Sir Benjamin Hammett.

It was opposed upon the ground of the impropriety of refusing to his Royal Highness the Prince, who was to support the dignity of the Crown, the power over the Privy Purse, amounting to 60,000*l.* *per annum*, out of which, by the Clause, was to be taken 16,000*l.* and given to her Majesty, for purposes unknown to Parliament, and the remainder to be improperly locked up from the Prince, and to be left, in case of his Majesty's indisposition continuing, to the disposition of Parliament.

It was supported upon the propriety of continuing his Majesty's benefactions, and on the impropriety of seizing the moment of his Majesty's indisposition, to strip him of his property. The

16,000*l.*

16,000 l. which had been said to be given to her Majesty for purpose unknown to Parliament, was explained in the following manner; 12,000 l. was given to pay an established list of charities, settled by his Majesty; and the remaining 4000 l. was to enable her Majesty to continue his Majesty's benefactions to those persons who were not on the list, but who she knew received charity of his Majesty to that amount.

Sir *William Moleſworth* was willing to agree to the sum proposed to be taken from the money of his Majesty's Privy Purſe, that was appropriated to the charities mentioned; but not thinking it proper that the remainder ſhould be kept from the Prince, he moved, as an amendment, to add the words, “ and that the “ remainder ſhall be paid over to the Treafurer of the Privy Purſe “ of the Regent.”

Upon this Amendment the Committee divided.

<i>Ayes</i>	—	—	101
<i>Noes</i>	—	—	156
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Majority againſt the Amendment			55

The *Solicitor General* propoſed an amendment, which was agreed to, and the Clause was carried without any further objection.

The Seventeenth Clause was next read, veſting in her Majesty the care of the King's Perſon, and the government of the Houſehold.

Mr. *Powys* objected to that part of the Clause which gave her Majesty power over the Houſehold; he condemned it as a diviſion of power with the Executive Authority, which was unjuſtifiable and inadmiſſible; the power given her Majesty over the Houſehold, and the Clause reſtraining the Regent from creating Peers, gave a dangerous controul over the two Houſes, and the Country, which was put into irreſponſible hands. After arguing upon the miſchiefs that might reſult from ſuch a meaſure, he concluded by moving an Amendment to the Preamble of the Clause, leaving it open for future reviſion.

The *Chancellor of the Exchequer* agreed to the Amendment, and ſaid in the courſe of the whole buſineſs before the Houſe, one of the principles he had ever invariably maintained was, that the whole of the Bill ought ever to be kept open, and ſubject to the future reviſion, and alteration of Parliament.

The question on the Amendment being put and agreed to, it was inserted in the Clause.

Sir Peter
Burrel.

Sir *Peter Burrel* spoke against the latter part of the Clause, the patronage given by which, he said, was so loosely expressed, that it was impossible to ascertain the amount of it, and of which he conceived the House ought to be acquainted previous to their adopting the Clause.

Mr. Pitt.

The *Chancellor of the Exchequer* acquainted the Hon. Baronet, that the whole amount of the salaries of the Household, from the Great Officers at the head of the different departments, down to the most menial servants in any of the palaces, or the stables, was no more than 100,000*l. per annum*; out of that sum there was no more than about thirty thousand pounds received for salaries by members of the two Houses of Parliament; there were seven in the House of Commons, whose salaries amounted to about 4000*l.* and eighteen Lords in the other House, whose salaries amounted to about 26,000*l.* Such influence, he said, was not, in his opinion, likely hereafter to preclude any revision, or necessary alteration in the system proposed for the present emergency.

Sir Peter
Burrel.

Sir *Peter Burrel* returned his thanks to the Right Hon. Gentleman, for his clear and explicit explanation.

Ld. North.

Lord *North* said, notwithstanding all that had been said, he did not see that it was a self-evident proposition, that all the Officers of the Household must be made subject to the controul and nomination of the *Committee* of the King. He denied that it was a self-evident proposition, nor could he conceive that the Queen ought to have any power or controul over any Officers of the Household, excepting only such of those Officers as were, from their situations in the Household, obliged to attend upon the King's person. The rest of the Officers who could be of no service to the King's person, ought not, in his opinion, to be under the controul of the *Committee* of the King, but ought to be annexed to the King's representative, the person who actually exercised the Royal Authority. Why could not the Right Hon. Gentleman try to separate the Household? To separate the regal office from the Royal Prerogative seemed a difficult point, but to separate the grooms, the equerries, and the pages, from the Lord Chamberlain, the Lord Steward, and the Master of the Horse, had been deemed almost imprac-

impracticable, and yet it was of the utmost consequence. He asked, which of the two evils was the greatest, and which was of the most consequence, and established the worst precedent, the separating of the Household, or the withholding from the Regent the source of that general influence which the Constitution had deemed necessary to be given to the Crown and to the executive power of the country; that general influence without which the Crown could not exercise its duties? In all general influence there was necessarily, his Lordship said, a degree of parliamentary and political influence; but he saw no harm in that, and yet that influence was treated as of very little consequence. The Right Hon. Gentleman had acknowledged that Eighteen Peers of Parliament belonged to the Household; did Gentlemen consider that Eighteen Peers voting on one side made the difference of thirty-six on a division, and was that nothing? He did not say a bad use would be made of that Influence, but the withholding it from the person exercising the Royal Authority was contrary to the principles of the Constitution. But it had been said, it would be a comfort to the King to see his Household about him; for his part, his Lordship declared, he could see no comfort that could derive to his Majesty during his illness, by having this power of his representative vested in other hands. Who would say that his Majesty himself, when he recovered, would not revolt at such a principle! He had not heard what single royal duty was not expected from the Regent, if, therefore, the Regent was to continue charged with the whole duties of a King, why was he to be curtailed in his Prerogatives? The consequences of introducing such a new principle into the Constitution, might, when his Majesty should be restored, disturb the peace of his reign. The Constitution annexed all the power of the Royal Prerogatives to the Crown, because all the power was necessary. If it were not necessary, it was too much, and if too much, it was pernicious, and ought to be abolished. Might not, at a future period, that Question be agitated in respect to the power of the Crown? Might they not reason thus, and say, what is gained from the Crown, is gained to the people? No, his Majesty would say, "the Constitution gave me all the Prerogatives, and my Government cannot stand without them." They might then answer, as the Right Hon. Gentleman answered now,

“ Let your Majesty’s Ministers act rightly, and they wont want this patronage.” With regard to the persons holding the great offices in the Household at present, was it thought that their loss would be irreparable? Would it be a great public misfortune for them to be changed, that they were to have their places secured to them? He did not mean to speak disrespectfully of the present officers of the Household, but he was confident that there might many be found among the young nobility, many qualified to fill every one of their places. What were the qualifications to make an officer of the Court?—Good manners, politeness, breeding, and some degree of personal dignity; to fill an office about the Court, it was not necessary to serve an apprenticeship to it, like as to an art or a craft. An officer of the Court might be said, generally speaking, to be like a poet, *nascitur non fit*. His situation might proceed oftener from his birth than his education. There were, therefore, many persons capable of it, and as to the change of the Household giving his Majesty pain, when he recovered, if it should give him a moment’s uneasiness, it could be remedied immediately. No mischief could possibly arise from it. His Lordship pursued this train of reasoning for some time, and at length addressing the Chairman by name, said, “ You, Mr. Watson, as a man who have been engaged in mercantile and commercial concerns, have heard no doubt often of a maxim of trade, which I heard of early in life; it was this: *take care of the pence, and the pounds will take care of themselves*.” The meaning, his Lordship said, he conceived was, take care of small things, and they will enable you to secure the greater objects. But it was said, it would secure the services of the present Ministers. That was undoubtedly a great object, but even gold might be bought too dear; and if a great rule of Government was to be sacrificed to any Ministers, he should be of opinion, that Parliament and the public paid a very dear price for them. His Lordship concluded with declaring, that he had delivered his firm testimony against the idea of its being right to separate this patronage of the Household from the person that held the situation of the King.

Mr. Grosvenor.

Mr. Grosvenor approved of the Clause, declaring, that the greater part of the noble Lord’s arguments went to opposing the whole of the Clause; the noble Lord had said, all the powers of

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the Crown were necessary; he admitted that it was true they were so, but the Committee ought to remember, that they were not going to make a King, but a Regent. Mr. Grosvenor declared he had very deliberately considered the whole of the system contained in the Bill, and was convinced, that the entire conduct of the Right Hon. Gentleman, and every part of his system, had been wise, distinct, discreet, prudent, and loyal. Had there remained in his mind any doubt upon either, that doubt would have been effectually removed by a speech which he had heard from a Right Hon. Gentleman who filled the Chair, and who had on one of the days in the Committee on the State of the Nation, delivered his sentiments from the Treasury Bench. Sounder argument, and better reasoning, Mr. Grosvenor declared, he had never heard from any Member of that House. Every sentence the Right Hon. Gentleman had delivered, tended to strengthen and confirm him in the opinion, that the steps taken by the two Houses in the arduous conjuncture occasioned by his Majesty's unfortunate illness, were legal and constitutional.

General Norton desired, in a few plain words, to shew why the Lord Chamberlain, Lord Steward, and the Master of the Horse, with the Lords of the Bedchamber, were the political servants of the Crown, and not the mere domestics of the King. The General stated the nature of their duties, which chiefly consisted in making a part of the Pageantry that surrounded the King on public occasions. He declared, he thought those Great Officers, under the present unfortunate circumstances of his Majesty, contributed neither to the service nor to the comfort of the Sovereign, because they could have nothing to do near him. If it could be proved that they could in any shape add to his ease, or afford his Majesty the smallest degree of comfort, he was sure the public would cheerfully be at the expence of providing a new Household for the Regent.

Mr. Wilbraham observed, that it had been well said by a Right Hon. Gentleman last Friday, that the whole House of Brunswick were excluded from the present Bill. It was, he said, a most unaccountable exclusion. He declared he saw no reason why her Majesty should be the sole Committee of the King's person. He thought that the Prince ought to have been joint Committee with

her Majesty, and that would have removed much of the objection that the Clause was liable to. But if it were deemed improper that the Prince of Wales should have any share in the custody of his Majesty's person, what had the Duke of York done, that he should not have been named jointly with her Majesty? He asked whether the Duke of York had given such proofs of his want of zeal for his father, or such proofs of his want of filial affection, that he deserved to be passed by. Mr. Wilbraham also asked, why the two brothers of the King, the Dukes of Gloucester and Cumberland, had been wholly unnoticed in the Bill? He spoke particularly of the Duke of Gloucester, who he described as having withdrawn himself from the politics and pleasures of this dissipated town, and given way in seclusion and in private to the affliction with which his Royal Highness's mind was overwhelmed, in consequence of the melancholy malady with which his Royal Brother was afflicted.

Mr. Keene. Mr. Keene said, the noble Lord in the blue ribband had so ably argued against the Clause, that he had left him but little to say on the subject. Mr. Keene stated the number of Officers in the Household, declaring that they amounted to nearly one hundred and fifty; that many of them had places from eight to twelve hundred a year, up to sixteen and eighteen hundred a year; that several had places of four and five hundred a year, and more still from sixty pounds a year to a hundred, a hundred and fifty and two hundred. He spoke also of the influence arising from other circumstances in the Household, and particularly exemplified the duty and the patronage of the Lord Chamberlain, in order to prove that he was an officer of state, and an officer possessing great weight and influence. When a foreign Minister left this country, he stated what the Lord Chamberlain's duty was, and in a variety of other instances, thereby proving that he was an officer absolutely necessary to be about the person of the King or his Representative. Among the instances of his patronage, he spoke of the appointing the King's Chaplains, a favour often conferred on Members of that House, by the nomination of their friends and relations, &c. &c. the appointment of the Exchequer Officers, the Yeoman of the Guard, the Gentleman Ushers, and many other descriptions of persons.

The *Chancellor of the Exchequer* rose to say a few words to what Mr. Pitt. the Right Hon. Gentleman had said, and which would, he stated, also comprize an answer to what the noble Lord had said formerly, and had then repeated. Did Gentlemen really think, that they could not invest the Regent with Royal Dignity but by depriving the King of every sort of dignity whatever? The grounds of objection to the Clause were now stated to be, that of Parliamentary Influence, a ground which he would venture to say it was wholly unusual to take broadly and openly in that House, because whatever might have been Gentlemen's private opinions respecting that peculiar kind of Influence, it never had been avowed to be necessary to Government, till the Lords had thought proper to avow it that day. When it was said, that it was necessary to keep up the state and splendour of the Regent by decorating him with those external marks of the royal dignity, ought not the King's dignity to be kept by such marks? Ought they, in the earliest moments of his Majesty's illness, to be eager to strip him of every mark of dignity, in order to deck out the Regent with unnecessary powers? Mr. Pitt contended, that they ought not, but it was their duty to manifest that they had not forgot the respect and reverence to a Sovereign who had, throughout his reign, proved himself the father of his people. He said, Gentlemen were aware that it was intended at a fit opportunity to provide for the Regent such an establishment, as should be adequate to distinguish him with a degree of state and dignity, which the exalted situation he was to fill, rendered necessary for the honour of the nation.

Lord North said, the Right Hon. Gentleman seemed to have Ld. North. reduced them to the alternative of giving the Regent the government of the country, without any part of the splendour, that of right belonged to the Royal Authority, or that the public was called on to bear the burthen of providing a new additional Household for the Regent, an expence which the public thought, perhaps, it had already provided for. His Lordship contended, that the true way of supporting his Majesty's dignity, was by supporting that of his Representative. With regard to the Hon. Gentleman's charge against him, on the ground of his having avowed, that the Regent ought to have the patronage of the Household for the sake of the Parliamentary influence that accompanied it, his

Lordship declared he had avowed no such doctrine, but had said, that the patronage of the Household certainly gave some general influence, and that was necessarily parliamentary.

Mr. Mar-
sham.

Mr. *Marsham* said, he always rose with reluctance, but on the present occasion it was his duty to trouble the House with a few words, after the manner in which the Right Hon. Gentleman had delivered his sentiments. Mr. *Marsham* said he would affirm that there were Members of Parliament under influence. He reminded the Committee how often they had attempted by various Bills to prevent persons holding places, from having seats in that House, and said it was no reflection on the persons so disqualified. He instanced the Excise and Customs, in which every person enjoying a salary of four or five hundred a year, was, by Act of Parliament, rendered incapable of a seat in that House. With regard to the influence resulting from the Patronage of the King's Household, if the Right Hon. Gentleman would add to it the weight of influence arising from the Members of the two Houses holding places in the Household of the Queen, and would put the Parliamentary influence of the two Households together, he would find that the number would be nearer sixty than thirty. He was one of those, Mr. *Marsham* owned, who had gone with one of the Restrictions, and that was the Restriction that prevented the Regent from making Peers. He thought that, under the present circumstance of the temporary illness of his Majesty, a very right Restriction. With regard to the imposing an additional burthen on the people, by establishing a new Household for the Regent, he declared he ever should oppose such a proposition. He reminded the Committee of the unexampled amount and weight of the taxes at present, and spoke in terms of great praise of the patience with which the people bore them. He asked, if there ever had been in that country a war concluded without a single tax being taken off? Most assuredly there had not. Why then should the people be additionally burthened, when there was an useless Household existing already, at least as far as regarded the great officers of it, who were officers of state merely, and never made use of, but when the King came to Court and appeared in all his splendour? Points of view in which he could not be seen at present. Mr. *Marsham* conjured the Committee in terms of great solemnity and earnestness

ness to manifest a wish not to insult the sufficiently loaded people, and take advantage of their laudable patience under the burthens they already sustained.

Mr. *Powys* wished to enter his Protest against the Proposition Mr. *Powys*. stated by the Right Hon. Gentleman, declaring that he would oppose the Motion for a new Household, whenever it should be brought forward. Mr. *Powys* followed the same train of argument as Mr. *Marshall* and other gentlemen had taken, with regard to the placing the great officers of the King's Household about the person of the Regent.

Mr. *Sheridan* said, if the Right Hon. Gentleman was in earnest Mr. *Sheridan*. in his Proposition, they might effect a division in the Household, as proposed by the noble Lord near him. Mr. *Sheridan* remarked, that while the Right Hon. Gentleman was throwing out jealousies and insults against another person, he was assuming the highest degree of confidence to himself, by expecting that it was to be believed implicitly, that he would make no use of the Parliamentary influence he was providing to support him when out of office. The Right Honourable Gentleman, he observed, had termed the Lord Steward, the Master of the Horse, and the Lord Chamberlain, on a former occasion, the *menial* servants of the King, like those to be found in the families of most Noblemen. Was there, Mr. *Sheridan* said, any truth in this comparison? Had the menial servants of Noblemen any public duties, and would it be contended that the great Officers of the Household had not very high and important public duties? These were, and had ever been, considered as the great Officers of the Crown; and that they had been so deemed, was evident from an Act passed in Henry the VIIIth's reign, to which he referred. Having read the extract, Mr. *Sheridan* took notice of Mr. *Grosvenor*'s declaration, that the House had not, *thank God*, a King to make. He said, was he not aware that the Hon. Gentleman was a friend to the Monarchy, he should have thought *that* the language of a republican, who wished to shake the Monarchy, and introduce another form of Government. Under the idea of affection to the King, they were endeavouring to subvert the Royal Prerogatives. Let those Gentlemen separate the personal idea of a King from a Monarchy, and they would see what a blow had been aimed at the Monarchy. Was it nothing, he

he asked, to have been without the representative of a King for almost four months, during which time the arm of Government had remained dead and inanimate? The Right Hon. Gentleman having represented his Majesty as destitute of dignity, unless he had the white staves with him, Mr. Sheridan said, was a libel on his Majesty's feelings as a Father and a King, and argued, that he was destitute of the dignified sentiments that ought to inspire the one character, and the tender affection that should fill the breast of the other. If his Majesty reigned in the hearts of his people, and it was true that he did so, it was, he contended, the less necessary that his calamity should be contrasted with the appearance of grandeur, an ostentatious parade be made of disease, and the melancholy situation of his Majesty be rendered indeed more public and more distressing. Mr. Sheridan reprobated the idea of gorgeously decorating the bed of sickness, and loading it with regal trappings, the more mortifyingly to expose the wretched state of a sick King. He condemned the idea of the Queen's having the power to change the Officers of the Household in her own name, observing, that they had all been appointed in his Majesty's name. If it was so necessary to keep the Household remaining, the places ought, Mr. Sheridan contended, to be put in a state of suspension and abeyance during the continuance of his Majesty's unhappy malady, and the words "salary, profits, and emoluments," left out of the Clause. He spoke of the indecency of the Officers of the Household coming down to that House, and voting their own salaries, when they were conscious it was not likely for them to be called upon to do any duty. He noticed the declaration of the Chancellor of the Exchequer, to make new Establishments for the Regent. He asked how the Right Hon. Gentleman could dare to suggest such an idea, after having heard the declaration from Authority, that the Prince of Wales desired to have no such Establishment created as should cause fresh burthens to be laid on the people. Did the Right Hon. Gentleman mean not to leave the Prince the free-will to refuse the Establishment if offered? Had he forgot what he had heard upon the subject from his Right Hon. Friend? The Right Hon. Gentleman must, he said, have a pretty considerable share of presumption in taking it for granted, that the King, on his recovery, would be pleased to hear that a new tax had been imposed

imposed on his people. He believed his Majesty would consider it as the most fatal consequence of his illness, it had caused his subjects to sustain an addition to the burthens they already laboured under. After farther warmth against the Clause, Mr. Sheridan concluded with declaring, that he for one would vote against such an unconstitutional division of power.

Mr. *M. Montague* defended the Clause. Mr. Montague considered the idea of the Queen's obstructing the government of her own son as most unnatural and improbable. He spoke of the Queen's high character and moderation hitherto, and declared that politics must be a strange science, so totally to obstruct every feeling of parental regard and maternal affection. Mr. M. Montague.

Sir *William Dolben* said, that the Regent having the office and duties of a King, should also have the patronage of the Crown, he agreed to; but not to the assertion that the Officers of the Household were the political servants of the Crown. The superior Officers might, Sir William thought, very properly attend the Regent; and if there were any dismissions, they ought to be in the name of her Majesty, but the supply of the vacancies should be in the Regent. He declared, he thought that there was as much patronage annexed to the Regency as ought to belong to it; he was aware, Sir William said, that there were many claimants for the loaves and fishes; that some would faint by the road side, and others the Prince would be forced to send empty away; but then he would have many vacancies to fill, and more would fall in every day. Sir William concluded with declaring, that he should vote for the Clause as it stood. Sir William Dolben.

Mr. *Sloper* said a few words against the Chancellor of the Exchequer's proposition. Mr. Sloper.

Mr. *Burke* then rose, and began with observing, that the House was almost exhausted, and that his power of engaging their attention was almost exhausted likewise, though the subject was by no means exhausted; he would therefore for the present only say a few words on the astonishing assertions of the Right Hon. Gentleman. To justify that panegyric on the Sovereign, which the Honourable Gentleman had pronounced, he was called upon to bring him forth as a pageant, dressed up with useless splendour and degrading dignity, to serve the purposes of ambitious men. The Right Hon. Gentleman Mr. Burke.

Gentleman had said, would they strip the King of every mark of royalty, and transfer all the dignities of the Crown to another person? No, God forbid, when the person wearing the Crown could lend a grace to those dignities, and derive a lustre from the splendour of his Household. But did they recollect that they were talking of a sick King, of a Monarch smitten by the hand of Omnipotence, and that the Almighty had *hurled him from his Throne, and plunged him into a condition that drew down upon him the pity of the meanest peasant in his kingdom*——

Mr. Burke was most violently called to Order by the other side
 Marquis of Graham. of the House. The *Marquis of Graham* rose with some warmth, and said, the Right Hon. Gentleman, nor no man in that House, should dare to say, the King was *hurled from his Throne*.

Mr. Burke. There being a very general cry of *take down his words*, Mr. *Burke* rose again, and as soon as he had obtained a hearing, said, he would give Gentlemen a full opportunity of taking down his words. He declared he had been interrupted in the midst of a sentence, and that scripture itself so maimed and mangled might be rendered blasphemy. But when it was said in their churches, that the King was afflicted for their sins, should it not be said, that he was struck by the hand of God? At a time when they were putting up their prayers in their temples to Heaven, to restore their King, prostrating themselves before the Deity, and declaring that it was in punishment of their iniquities the Sovereign was taken ill, (which he thought had better not have been said) should he not have liberty to declare that Omnipotence had smitten his Majesty? His illness was caused by no act of theirs; but ought they, at that hour of sickness and calamity, to cloath his bed with purple? Ought they to make a mockery of him, putting a crown of thorns on his head, a reed in his hand, and dressing him in a raiment of purple, [A cry of Oh! Oh!] to cry, “Hail! King of the British!!!” After a good deal of warm declamation, Mr. Burke proceeded to argue the Clause. He censured, in strong language, the idea of giving the powers of the Crown to one person, and its patronage to another; at a moment like that every precaution, he said, should be taken to preserve the safety of the Constitution, and the lustre of the Royal Dignity unimpaired; but was that the way to effect it? As the Right Hon. Gentleman
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had planned the business, the Government would be weak, enervated, and altogether destitute of dignity; there would be no mark of royalty about the Regent for foreign Ambassadors to observe, and thence the country would stand degraded, and sunk in the eyes of all Europe; and however we might pass it over, and put up with the inconvenience among ourselves here at home, the impression given of our Government abroad was highly material. He asked, how could the King, on his recovery, be pleased at seeing the patronage of the Household taken from the Prince of Wales, his representative, and given to the Queen? He must be shocked at the idea, unless they supposed, what it was unnatural and monstrous to suppose, that the King was a good husband and a bad father. An Hon. Gentleman, he observed, had said, they were not going to make a King. He was afraid they were. It was meant that the person who should represent his Majesty should not have the attendance that ought to accompany royalty. When, he asked, had such a project been ever before practised as a separation of the royal dignity from the regal office? He put the case of a minor King, of seventeen years of age, and said, in that case the Regent had been provided and invested with all the royal dignity of a King. He referred to the Regency Bills in the reign of George the Second, and the Regency Bill passed in the present reign, and argued from both, contending, that in both the full powers were given. He contended also, that the Royal Family were noticed in each, whereas they were totally excluded from the present Bill, and power of an enormous magnitude was taken out of the hands of the King's eldest son, and put into the hands of a person not of his Majesty's blood. The Regent, he said, was tied up from making Peerages; he was debarred from granting Pensions and Offices; he was restrained from exercising Charities, bestowing Bounties, or doing any one graterul office that served to balance against the dreadful attributes of Sovereignty. Where was he to get money to distribute bounties? Was he to take it out of his own privy purse, or the receipts of the little paltry Dutchy of Lancaster? He observed, that to the Queen that House proposed to be prodigal; to the Heir Apparent they had not given the least dignity in the world. What were they then doing? They were about to give a mock crown, a tinsel robe and a sceptre from the theatre,

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lacquered over and unreal, and at the same time they rendered it necessary to tax the people, so that the Prince's name should never be mentioned without some recollection that should excite unpopularity. The Right Hon. Gentleman, Mr. Burke said, was to have 300,000*l.* influence when he went out. The Right Hon. Gentleman thought the Prince might do without influence, although he knew he could not do without it himself. In former times, Mr. Burke said, the way to popularity was by standing up in defence of the liberties of the people, but the Right Hon. Gentleman was born for the age in which he lived; he took another road; his first object was by some means or other to get court favour, and having obtained indirectly a degree of power, he thought to gain popularity afterwards if he could. Mr. Burke threw out much personality against Mr. Pitt, charging him with having contrived the Bill to fortify himself when out of office. He contended that the separation of power from royalty must destroy the representation of this country, or the Queen's government must destroy the Regent's. His Majesty, he observed, might continue ill for twenty years, and then he desired Gentlemen to recollect what a state of anarchy, disunion, and difficulty, the divided government they were setting up would create. By depriving the Regent of the power of making Peers, they had shut the door of the House of Lords against the people; they had put it out of their own power ever to correct their error, and made the House of Lords the great, independent, and omnipotent branch of the legislature.

Mr. Pitt. The *Chancellor of the Exchequer* rose, not, he said, to detain the Committee, but there had fallen some things in the debate, which seemed to call for a few short observations. In the Right Hon. Gentleman's speech, he seemed rather to have addressed him personally, than endeavoured to argue the Clause in question; the Right Hon. Gentleman seemed to think that his going out of office was a point of greater importance than any thing contained in the Clause under consideration. The Right Hon. Gentleman had charged him with having told the House he was going out of office; the fact was, he never told them any such thing, nor did he know that he was to go out. But so far was he from having ever said he was to go out, that a Right Hon. Gentleman, not
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then present, had, on an early day, in the course of their discussions, told him, in a way peculiarly marked and expressive, that he and his friends were to be his successors, when he had, in reply, stated, that, from the opinion he entertained of the principles of those who, it was said, were to be his successors, an opinion founded in his knowledge of their former conduct, he thought it the more necessary to pursue the system of measures that he was recommending, and that he had made that very declaration an argument in support of the measures themselves. When the Prince of Wales was declared Regent, the Chancellor of the Exchequer said, he supposed his Royal Highness would keep him, and the rest of his Majesty's servants, in office, or he would choose other servants, according to his own ideas of what would be most advantageous and best for the country. Whether he staid in or went out, he should endeavour to be instrumental in being of service to his country. The next argument the Right Hon. Gentleman had resorted to by way of charge against him, was neither more or less than a direct fiction, because the Right Honourable Gentleman had chosen to say, that he was to have a connection with the power placed in the Queen's hands, an assertion which was a fiction, as he most undoubtedly was to have no such connection. Another matter that the Right Hon. Gentleman had repeatedly mentioned, though he had been again and again answered, and that was, that the amount of that patronage was 300,000*l.* a year. The Right Hon. Gentleman did not know the Civil List, if he said the offices amounted to 300,000*l.* a year. The sum did not amount altogether to much above 200,000*l.* and in that sum was included all the approved tradesmens bills, amounting to near half the money, and which had no connection whatever with political or parliamentary influence. The Chancellor of the Exchequer defended himself from having, in his opening, called the Lord Chamberlain, the Lord Steward, and the Master of the Horse, the *menial* servants of the Crown, and said, it was the very term bestowed on those officers by the Right Hon. Gentleman in his own Bill for the Reform of the Civil List. [This appearing to be doubted by Mr. Sheridan, and some of the Gentlemen on the other side, Mr. Pitt referred them to the Bill, and pointed out the Clause in question.] He desired Mr. Sheridan to give him his attention while he answered

swered one part of his speech. He then took notice of Mr. Sheridan's assertion, that the best way to support royalty was to separate the person of the King from every royal dignity. He declaimed on this remark in most eloquent terms, and denied that his Majesty was at present in an humiliating condition; instead of his state being low, abject, and degrading, as the Right Hon. Gentleman had described it, it was very much the contrary. His present visitation of sickness had excited in his subjects something more than the loyalty they always paid him; it had roused in the hearts of his Majesty's people a greater fervour of affection, which was blended with a degree of grief and compassion that partook of veneration and respect. Mr. Pitt expressed himself very finely on the King's illness, and asked, if that House would so far forget their duty and their allegiance, as to strip his Majesty of every mark of royalty and of dignity, in order to give that which belonged properly to their rightful Sovereign to the Regent? He asked, if there was no other way of providing for the state and splendour that ought to attach to the office of Regent of the kingdom? Most undoubtedly there was, and it was well known that at a fit time that establishment would be proposed; but the Hon. Gentleman had thought proper to say, that notice had been given from authority, that his Royal Highness would not accept of any establishment that should lay an additional burthen on the people. He exposed the fallacy of this mode of argument, and shewed, that the utmost amount of the incomes of those officers of the Household, who were in the two Houses of Parliament, was no more than 30,000*l.* a year, one fourth of which was paid back again in taxes. He said, he was persuaded when it should hereafter be necessary to submit to his Royal Highness, that Parliament had thought an establishment proper to keep up the splendour and dignity of his office, as well for the sake of the national character, as his own honour, neither his Royal Highness would object to it, nor would the people murmur at being called on to provide for a purpose so necessary and so proper.

Mr. Sheridan.

Mr. *Sheridan* said, the Right Hon. Gentleman had in a very extraordinary mode perverted his argument. The Right Hon. Gentleman had, he observed, said formerly, that he would at a future time answer the arguments of Gentlemen, and that they

would

would have abundant opportunities of discussing and debating every part of the subject; but since the Bill had come on, the Right Hon. Gentleman not only never mentioned any of those arguments which he had formerly reserved, as it were, to answer at a future time; but when new matter was advanced in debate, had drily declared, that nothing had been said but what they had before heard, and, therefore, he would not take up the time of the House with a reply. This was, Mr. Sheridan said, as pleasant a way of avoiding to combat arguments that could not be answered, as ever he had heard of. The Right Hon. Gentleman, he declared, had perverted his argument strangely, by saying, that he had stated, that separating all the Royal Dignities from the person of the King, was the best way of supporting the dignity of the Crown. Mr. Sheridan denied that he had argued in that manner. His argument was, that all that had been given in support of the state and dignity of the Crown, ought to be annexed to the person exercising the Royal Authority, and not to the King, confined to a bed of sickness, and incapable of exercising the functions of the Kingly office. So to annex that part of the Household, from which his Majesty could, in his present condition, derive neither use, nor honour, nor dignity, was a greater mockery than it was a compliment. Mr. Sheridan took notice of the allusion to the speech of his Right Hon. Friend made by the Chancellor of the Exchequer, and said that allusion had been incorrectly stated, as all allusions to speeches delivered at a distant preceding period, and in the absence of those who delivered them, generally were. He took notice of Mr. Dundas's declaration of Saturday, that he lamented his Right Hon. Friend's absence, and informed the Committee, that his Right Hon. Friend's health was greatly better, and that he had been very near being present at that debate, having been struck with astonishment at that most extraordinary Clause of the Bill, that provides for his Majesty's resuming his Royal Authority. With regard to the sum of 300,000*l.* which his other Right Hon. Friend had said was the amount of the Patronage of the Household, the Right Hon. Gentleman over the way had denied, that it amounted to so much, but the Committee would recollect, that the Right Hon. Gentleman had that evening told them first, that it amounted only to 100,000*l.* a year, and in

his last speech he had acknowledged that it amounted to more than 200,000*l.* a year. The Right Honourable Gentleman had said, that more than one half of that sum consisted of the approved Bills of Tradesmen, &c. which had nothing to do with Parliamentary Influence. He denied the fact to be so. He could easily see how great a degree of Parliamentary Influence arose out of those Bills. Was there never any such thing as a Westminster Election? Would the Right Hon. Gentleman with that orange cape to his coat, take upon him to declare that no parliamentary influence could be exercised through the medium of the Tradesmen of the Household at such an Election? He put other cases and contended, that both at an Election and in various ways, Influence would result from the Tradesmen's Bills, as well as from the Officers of admitted importance in the Household. With regard to the latter, the case, he said, was clear; for to whom were those persons to look for the maintenance of their situation, but to those who conferred those situations upon them? Mr. Sheridan said, he should move an Amendment to fulfil the idea of the noble Lord near him of separating those Officers of the Household, actually necessary to the attendance on the King's person, from those other Officers of the Household, who were merely Officers of State. Mr. Sheridan with this view moved to annex some words to the Clause, purporting to empower her Majesty to have the direction and controul over such Officers of the Household, as should be deemed necessary to attend about his Majesty's Royal Person.

Mr. Pitt. The Amendment was no sooner read by the Chairman, than the *Chancellor of the Exchequer* said, he objected to the Amendment, because it was inconsistent with the principles on which they argued, and with the mode of proceeding. It was, he believed, the first time that an Amendment, couched in such general words, was moved in a Committee on a Bill. If the Amendment were agreed to, it would be necessary to move an additional Clause to explain what the general words of the Amendment referred to.

Mr. Sheridan. Mr. Sheridan said, undoubtedly another Clause would be necessary, which he meant to move at the proper time, and nothing would

would be more easy than to refer to the Civil List, and from that specify such Officers of the Household, as would be proper to be put under the controul of the Queen, because they would be necessary attendants on the King's person. Mr. Sheridan observed, that the preamble of the Clause naturally led to such an Amendment as he had proposed; and as an argument in proof of its propriety, remarked, that by the Bill, the Queen having the power of appointing and discharging the Officers of the Household, they would be her Officers, and not the King's; and as she was not obliged to fill up vacancies, though she had the power of doing so, great inconveniencies might arise in case of her not filling up vacancies. Suppose, for instance, the office of Lord-High Steward should be vacant, and the Queen were not to fill it up, who would there be to swear in a new Parliament, if a new one should be called?

The *Chancellor of the Exchequer* said, the Question was easily Mr. Pitt, answered, if one Lord Steward should die, or be dismissed, the Queen would undoubtedly appoint another; or if there should be no Lord Steward, there could not be any great difficulty in providing for swearing in the Parliament.

Mr. *Sheridan* replied.

The Committee being extremely clamorous for the Question,

Mr. *M. A. Taylor* called upon the Chairman to enforce and pre-Mr. M. A. serve order, since every Gentleman who chose to deliver his senti-Taylor, ments had an undoubted right to be heard on a Question of so much importance to the community at large. If Gentlemen were impatient and fatigued, it was, Mr. Taylor said, easy to move the Question of Adjournment, and resume the Debate the next day.

Mr. *Burke* rose to state some circumstances of misrepresentation, Mr. Burke, which, he said, it had been his fate to experience at the hands of the Chancellor of the Exchequer. The Committee, however, still calling for the question, Mr. Burke sat down.

Lord *George Cavendish* said, he had ever considered the Officers Ld. George of the Household to be Officers of State, attached more to the Cavendish. dignity of the Crown than the person of the King. With regard to the appointment of a new Household for the Regent, his Lordship said he must object to any such Proposition, because he was

against all unnecessary expence. He said, he thought the Officers of the King's Household ought to attend the Regent, and add to his state and splendour, and if they did not, they ought not to receive their salaries during the continuance of the King's illness, because at present they could have no employment, but were a parcel of unnecessary Officers, who were fattening like drones in the hive.

At length the strangers being desired to withdraw, the Committee divided on Mr. Sheridan's Amendment,

Ayes 118

Noes 173

The Question was then put on the original Clause, and carried.

The Chairman was next directed to report progress and ask leave to sit again, which he did as soon as the House was resumed.

Tuesday, February 10.

REGENCY BILL.

Mr. Pitt.

The *Chancellor of the Exchequer* moved the Order of the Day for the House resolving itself into a Committee of the whole House, on the further consideration of the Bill for providing for the safety of his Majesty's person, and for the exercise of the Royal authority.

The Order of the Day being read, and the House resolved into a Committee accordingly, Brook Watson, Esq. in the Chair, the following Clause was read:

“ *And whereas* the execution of the weighty and arduous trusts hereby committed to the Queen's Most Excellent Majesty, in respect of the care of his Majesty's Royal Person, and of the disposing, ordering, and managing of all matters and things relating thereto, may require the assistance of a Council, with whom her Majesty may consult and advise in the discharge of the same: Be it therefore enacted by the authority aforesaid, That, in order to assist and advise her said Most Excellent Majesty in the several

matters

matters aforesaid, there shall be, during the continuance of his Majesty's illness, a Council, consisting of

Which Council shall, from time to time, meet as her Majesty shall be pleased to direct; and if it should happen that any of them the said

should depart this life, then, and in such case, it shall be lawful for the Queen's Most Excellent Majesty, by an instrument in writing, signed and sealed by her Majesty, revokable at her will and pleasure, to nominate and appoint some one person, being or having been a member of his Majesty's Most Honourable Privy Council, to be a Member of the said Council, to advise and assist her Majesty, in the room and place of each and every of the said Counsellors so departing this life; which nomination and appointment shall be forthwith certified by an instrument in writing, signed and sealed by her Majesty, to the Lords of his Majesty's Most Honourable Privy Council, and shall be entered in the books thereof."

QUEEN'S COUNCIL.

The *Chancellor of the Exchequer* again rose, for the purpose of Mr. Pitt. proposing to fill up the first blank, with the names of such persons as the House might think proper to appoint to assist her Majesty in the trust appointed her for the care of his Majesty's person. It would, he said, be necessary to put the Question singly on each person proposed; but for the satisfaction of the House, he would, previous to his putting any single name, submit to the House the whole of the names he meant to propose to fill up the blank. He meant to propose the heads of the different departments over which her Majesty was to have controul; those persons, he had no doubt, would be admitted to be exceedingly proper; but as it might appear necessary to have other great and important persons to assist her Majesty, it was natural to look to the heads of the church and the law; the persons he should therefore have to submit to the Committee, as proper to be of her Majesty's Council, were the two heads of the Church, the Archbishops of Canterbury and York; and the heads of the law, Lord Thurlow (the Lord Chancellor) and Lord Kenyon, (the Chief Justice of the King's Bench;) these persons, in addition to the respect of their high situations,

had been approved by his Majesty, and no persons, he conceived, were more proper to be appointed of her Majesty's Council, than those who had been approved of by his Majesty for their ability, and for their integrity. In addition to those respectable persons, he should have to offer the four officers at the head of the departments of the Household for the time being, the Lord Chamberlain, the Lord Steward, the Master of the Horse, and the Groom of the Stole; the first Motion, therefore, that he had to make to the Committee was, 'That John, Lord Archbishop of Canterbury, be one of her Majesty's Council.'

The question being put,

Ld. North. Lord *North* rose, not to oppose the nomination of that respectable Prelate as one of her Majesty's Council, but to do a thing of great importance. He had expected, that in opening the subject the Right Hon. Gentleman would not have omitted those who were nearest in blood and affection to his and her Majesty. If the House should agree with him, that an insertion should have been made of the Princes of the Blood, he would make such a Motion. His Lordship spoke of the propriety of naming his Majesty's sons, the Princes, who were of full age, and his Royal brothers. They were the nearest his Majesty, and the persons, he should think, that her Majesty would choose to have for advisers. His Lordship said there were several reasons why the Princes of the Blood ought to be of the Queen's Council. It was, he observed, a Council not to controul, but to advise her Majesty. The Clause, he said, also provided for the death of the person properest to have the care of his Majesty, in which case the power was to devolve on her Council. This his Lordship considered an additional reason to mix some of the Princes of the Blood in the Council. His Lordship remarked upon the different mode proposed to appoint her Majesty's Council, four being appointed by name, and the other four by virtue of their offices, in which last manner he contended they all ought to have been appointed. With respect to those proposed, the persons themselves were proper, but why should the Hon. Gentleman think a Groom of the Stole, a Lord Chamberlain, a Lord High Steward, and a Master of the Horse, were Counsellors by virtue of their offices? His Majesty had certainly appointed Viscount Weymouth to the first of these offices,

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he had given a Lord Chamberlain's staff to the Earl of Salisbury; a Lord Steward's staff to the Duke of Chandos; and made the Duke of Montague Master of the Horse; but did those appointments peculiarly qualify them for Counsellors? Seeing, therefore, no reason that could be adduced against the insertion of the names of the Princes of the Blood, he gave notice, that when the persons proposed by the Right Hon. Gentleman should be disposed of, that he would move for the insertion of the names of Frederic Duke of York, and the other Princes of the Blood.

The *Chancellor of the Exchequer* said, that he should for the pre- Mr. Pitt sent refrain from stating his objections to the noble Lord's proposition; when the Motion should be made, he would state the reasons why he conceived it to be improper.

Mr. *Dempster* declared himself not satisfied with the nomination; Mr. Dempster. considering the Members of that House as much interested, and as ardently wishing for the recovery of his Majesty as any courtier, he was amazed that the Speaker of that House, and the Lord Mayor of London, for the time being, should have been omitted, and signified his intention of proposing the insertion of those officers.

Lord *Maitland* said, the omission of the Chief Justice of the Ld. Maitland. Common Pleas was very extraordinary. In whom, he asked, had his Majesty placed greater confidence? He suspected that the Right Hon. Gentleman was influenced by politics in the choice of persons to fill her Majesty's Council; such a conduct on the present question he considered to be disgraceful to the two Houses, and hoped they would not be influenced by such considerations. He called upon the Right Hon. Gentleman for the reason of omitting the Chief Justice of the Common Pleas, and for appointing the Archbishops of York and Canterbury, and the Lord Chancellor, and the Chief Justice, by name, and the other four officially.

Sir *Peter Burrel* wished to know, as there were but eight Coun- Sir Peter Burrel. sellors provided for her Majesty, whether she was to have the casting vote? He also wished to know why four of the Council were to be permanent, and the other four left to the nomination and removal of her Majesty.

The *Marquis of Graham* said, in answer to Sir Peter Burrel, that Marquis of Graham. this was a Council of Advice, and not of Controul. That the

Queen needed no casting vote, and it was at her option whether she would take or reject the advice her Council gave her. In answer to the proposition for introducing into the Council the Princes of the Blood, he said there appeared to him a clear line for their exclusion; they were so connected with that Great Personage by the ties of affection, that they would be at all times ready to give their advice, and they could give it without responsibility; it would therefore be improper to appoint them to responsible situations, making them liable to be brought to the bar of that House and examined, when other persons of great ability, and learned in the law, could be found to occupy those responsible situations. In answer to the proposition for admitting the Chief Justice of the Common Pleas, he said he knew not where they were to stop, if every man wise and great enough for this Council was to be a member of it; if they did so, they might appoint more members for such a Council than formed the House of Commons. The Marquis, in the course of his speech, alluded to Mr. M. A. Taylor by saying, he knew not whether he was still to call him the learned Gentleman, since he understood he had quitted his profession. Having heard no argument that convinced him of the impropriety of his Right Hon. Friend's proposition, he should give it his support.

Mr. Sheridan.

Mr. *Sheridan* considered the proposition of the Right Hon. Gentleman as unnatural and unprecedented. It had been urged by the noble Marquis, that the Princes of the Blood could give their advice to her Majesty without being appointed of the Council; but their advice, however good, might be lost, because they were not of the Council, without the majority of which her Majesty could not act upon the most important occasion, the restoration of his Majesty to his Government. It could be no degradation to the Princes of the Blood, he said, to be put into a responsible situation, when the first Prince of the Blood, the Prince of Wales, was appointed to a place of great trust and responsibility. He considered her Majesty's sons and the King's brothers to be her most proper and natural advisers, and deprecated the measures proposed by the Right Hon. Gentleman, as tending to cause Parliament to infuse into her Majesty a suspicion that her sons were not the proper persons to counsel her, which was an outrage on the feelings of nature. He concluded by hoping that the noble Lord's proposition would
be

be agreed to, and that the House would not go along with the Right Hon. Gentleman in objecting to the insertion of the names of the Princes of the Blood.

Mr. *M. A. Taylor* objected to the four Members of the House-
hold being Members of the Council. Mr. Taylor said, he had no
exception to Lord Thurlow's being one of the Council, but he
objected to his being appointed by name, thinking that it ought
to stand, "the Lord Chancellor for the time being." He objected
to the Lords of the Household, because they were under the no-
mination of the Queen, who ought to have independent advisers;
the Lords of the Household, he said, could not be independent
advisers, being removable at the Queen's pleasure. He declared
he wished the blank to be filled up with the names of the Lord
Chancellor, the Chief Justices of the King's Bench and Common
Pleas, the two Archbishops, and the Speaker of the House of
Commons, for the time being. He wished success to the noble
Lord's proposition for including the Princes of the Blood, con-
sidering them the most natural, the most proper, and disinterested
advisers of her Majesty, and declaring that he did not believe the
Royal Family had ever been left out of a Regency Bill before. He
declared he should conceive himself ill-treated, if he was the second
son of a Gentleman, (whether born to a throne, to a fortune, or
none, it did not alter the argument) and he were not, under such
circumstances as those of his Majesty's indisposition, called in to
take share of the care of his father. He considered it as impossible
that a son should be so base as, under such circumstances, to give
his mother wrong advice. Whether he had left his profession or
not, he said, he was still entitled to the address which was usually
made in that House to men of the legal profession. He insisted
that no responsibility whatever attached to the Counsellors of the
Queen, the Constitution knowing of no such Council.

Colonel *Phipps* considered the persons named by his Right Hon.
Friend to be the most proper to be appointed of her Majesty's
Council, four of them being to be permanent, having been chosen
by his Majesty for their ability and integrity, and by himself placed
about his Royal Person, and the other four removeable by her
Majesty at her pleasure. He wished to know upon what principle
her Majesty was to be deprived of the choice of her own Counsellors,
and

and contended, that if the House agreed to suffer a Lord Chancellor for the time being, who was to be appointed by the Regent to be of her Majesty's Council, that the trust reposed in her would be a mockery, and they would reduce her Majesty to have no advisers at all, or to have the advisers of the Regency.

The Chairman called the attention of the Committee to the question before them, which was, whether John, Lord Archbishop of Canterbury, should be appointed a Counsellor to her Majesty?

Mr. Pitt.

The *Chancellor of the Exchequer* said, he believed the worthy Alderman was right in the point of order; but as the true object of order was to save time and shorten their proceedings, perhaps it would be most adviseable to go into the whole subject at once. He conceived that it would be strictly orderly, if the noble Lord thought proper, to propose at present to name the Duke of York, and move to postpone the name of the Archbishop of Canterbury, that would bring the whole subject under discussion.

Ld. North.

Lord *North* said, he was willing immediately to propose the names of the Princes of the Blood, and should move that the name of the Archbishop of Canterbury be postponed, in order to move that the Duke of York should be inserted, by which means the Committee could at once enter into the debate on the general formation of the Council.

Mr. Sumner.

Mr. *Sumner* conceived it improper that the names of their Royal Highnesses should be proposed without their having been previously consulted, especially as they had objected to their names being inserted in the Commission.

Ld. North.

Lord *North* said, he should have thought himself very presumptuous if he had proposed the names of their Royal Highnesses without having previously communicated with them on the subject, and learnt that they had no objection to his making the Motions that he had proposed.

Mr. Sheridan.

Mr. *Sheridan* said, in order to shorten the Debate, would it not be better for the Right Hon. Gentleman to withdraw his Motion?

Mr. Bouverie.

Mr. *Bouverie* wished to know whether the Council were to be responsible for their advice?

Mr. M. A. Taylor.

Mr. *M. A. Taylor* said, that as no learned Gentleman rose to answer the question of his Hon. Friend, he would inform him, that, according to the Clause, they were not responsible.

Mr.

Mr. *Addington* said, they were clearly responsible, being obliged to take an oath of office. If, therefore, a suspicion existed of their having given her Majesty improper advice, they would be liable to impeachment. Mr. Addington.

The *Chancellor of the Exchequer* said, they had used more time in discussing the Question of Order, than the Debate perhaps would have occupied. They were then in danger of two Debates going on under the form of one; perhaps therefore it would, upon second thought, be better for him to recur to his first mode of proceeding, and put the question regularly, on the eight names he had stated, before the noble Lord's Motion was let in. Mr. Pitt.

Mr. *Bouverie* said, the Hon. Gentleman over the way had fairly answered his question, but he did not understand how there could be responsibility, without a power to call to account. Mr. *Bouverie* objected to the word "John," in the motion, and said he would move to have the Archbishop of Canterbury, for the time being, appointed. Mr. Bouverie.

Mr. *Powys* thought the preliminary debate useful, and asserted the necessity of considering the powers and responsibility of the Council, previous to the appointment of those who were to form it. He wished to know from the Right Hon. Gentleman, if convenient, to what manner, and to what extent, the responsibility attached to the Council. Mr. Powys.

The *Chancellor of the Exchequer* said, it was not at all inconvenient to him to give a perfect answer to any thing that was asked. No trust could be created by any means affecting the public interest, or could exist without public responsibility. According to every principle of the Constitution, every trust appointed under Government had responsibility attached to it to the country. Whatever advice the Council should give to her Majesty, they would be responsible for such advice; and if the House should see sufficient reason to think that by such advice either his Majesty or the Constitution was in danger, they had the same power to enquire who were the advisers, and call her Majesty's Counsellors to account, as they had to call on the Officers of Government. Mr. Pitt.

The *Attorney General* said, the House might, on any suspicion of ill-advice, address her Majesty to name her advisers; that those persons were always answerable, but particularly in a parliamen- Sir A. Macdonald.

tary trust, and the House might proceed against them in a parliamentary way.

Mr. Bouverie. Mr. *Bouverie* asked if the Queen could not act contrary to the opinion of her Council, and if so, he conceived, there could be no responsibility.

Mr. M. A. Taylor. Mr. *M. A. Taylor* contended again, that there existed no responsibility in the Council; if there was any responsibility at all, it rested with the Queen, for the Law said the King, but not the Queen, "could do no wrong."

Mr. Anstruther. Mr. *Anstruther* said, nothing was so clear as this: no trust can be abused, without responsibility in the persons so abusing their trust; and it was thence evident, that there could be no Parliamentary trust without responsibility being attached to it. His objection did not lie on that account against the Clause, but he objected to the power given to the Queen of acting without her Council, in which case no responsibility could attach.

Mr. Burke. Mr. *Burke* said, the Queen was responsible as a subject, and doubly so as a trust was given to her. He agreed that no trust could be given without responsibility; in the present instance, however, the principle was recognized and violated; for though a responsibility was avowed, there were no traces by which that responsibility was to be found. In the Clauses appointing the Prince to the office of Regent, the greatest was by oath; but in the Queen's trust there was no oath, nor any trace of a trust; and though meant to stand apparently and avowedly as a trust, it was not guarded as if it were really so. This therefore was like what Macbeth said of the witches,

They keep the word of promise to the ear,
And break it to the hope.

It had been urged, that the reason for not proposing the Princes of the Blood was out of respect to them; a respect which was a perpetual disqualification, like the respect of the Epicureans for their Gods. That respect was to put the Princes of the Blood out of the Commonwealth, because they were the first persons in it. In the Regency Bill of George the Second, he said, he found the Duke of Cumberland, and yet had the modern doctrine prevailed at that day, instead of suffering the Duke to go and obtain a glorious victory over the Rebels, the language would have been, "Oh, don't let him go, because he may be tried by a Court Martial for absence from

from duty, or some other criminal neglect." He mentioned other instances of Princes of the Blood having been entrusted with situations of the greatest responsibility, and of the present Princes holding offices of trust and responsibility, and ridiculed the idea of any disrespect being offered in putting them into such situations; on the contrary, he considered it as an additional insult to the Royal Family, and as a gross disrespect to the King, that it was attempted to prevent the Princes of the Blood being of the Queen's Council. He contended that the Bill was not calculated to shew respect to his Majesty, but to manifest an interested regard for the Household in its authors, and a determined effort for the support of a faction. The framers of it had first proceeded to a violation of precedents, next to a violation of law, then to a violation of the Constitution, and now they had arrived to a climax of violence, a violation of the law of nature. This reminded him of a line of Pope—

Star after Star goes out, and all is Night.

He added a variety of other arguments, and concluded with deprecating the clause, which, he said, went to sow dissensions in the middle of the Royal Family, to break the bonds of domestic union, and to raise the servants above their masters, who were shut out and excommunicated.

Mr. Powys said, that having by a distinct Clause attached responsibility to the Prince of Wales, they ought to attach it to the guardians of the King's Person. Mr. Powys said, he was not present when the Right Hon. Gentleman had proposed the Archbishop of Canterbury, he reprobated the nomination of the whole eight, as constituting a garbled, strange, and inconsistent monster, part being named as private characters, and part as official ones. Mr. Powys considered that those who occupied the offices for the time being, were the proper persons to be of her Majesty's Council.

Sir R. Sutton said, that countersigning made a person responsible: by Address to the Queen to know who the adviser was, evil advisers might become at. Sir Richard animadverted with great apparent knowledge of the subject, on former Regency Bills, and pointed out the word *trust* in the part of the Bill appointing the Queen guardian of the King's person.

Mr.

Mr. Burke. Mr. *Burke* said, the Queen's guardianship of the King's person was called a trust in the Bill, but it was not provided for. They had made others responsible, but they had not made the Queen responsible.

Mr. Bouverie. Mr. *Bouverie* begged pardon for being so pertinacious, but really he did not think his question had been answered. Was the Queen to have a Council without precise responsibility? If the Queen was to ask the advice of her Council, and afterwards to act contrary to it, who could be responsible?

Mr. Pitt. The *Chancellor of the Exchequer* wished the Committee to come to a decision on the Question before the House, and expressed his readiness to meet the Motion of the noble Lord afterwards.

The question was then put upon the amendment proposed, that the word 'John,' be omitted, which being negatived, the original Motion, that John, Lord Archbishop of Canterbury, be one of her Majesty's Council, was carried without a division.

Mr. Pitt. The *Chancellor of the Exchequer* next moved, "that Edward Lord Thurlow be one other of her Majesty's Council."

Lord *North* rose and suggested the propriety of moving the names of the Princes before the question on Lord Thurlow's name.

The *Chancellor of the Exchequer* objected to postponing the Lord Chancellor's name.

Lord North. Lord *North* again rose for the purpose of moving the name of Edward Lord Thurlow to be postponed, that they might at once go into the debate on the propriety of inserting the names of the Princes of the Blood. His Lordship wished to know, why all that were proposed to be of the Council, were not proposed in virtue of their offices, and not by name? He objected to the naming of the Lord Chancellor by name after the Archbishop of Canterbury. The Lord Chancellor was next in rank, but not Edward Lord Thurlow. Viscount Weymouth, the Earl of Salisbury, and the Dukes of Montague and Chandos were each of them of higher rank. His Lordship observed, that the determination to exclude any person of the Regent's appointment from attending in the Queen's Council, would create jealousies and suspicions, that all was not fair that was carrying on, which surmise would be prevented by introducing the Princes of the Blood to the Council. His Lordship concluded by moving to postpone the name of Edward Lord Thurlow.

Mr.

Mr. *Dundas* said, they were 'called on to discharge a very delicate and important duty. While their Sovereign was labouring under a critical disease, they were to place around the Queen, Counsellors to advise her in the discharge of the duty, which the Legislature was about to impose on her. In providing for the care of the King's person, they should do it so as to satisfy the nation at large. The Question, whether Edward Lord Thurlow should be of the Queen's Council, he should vote for it, because in so doing he consulted the safety of the King and the peace of the Queen; if they agreed to appoint him by virtue of his office, he might not be of her Majesty's Council two hours; he might be removed from his office, and any man wearing a black gown in Westminster Hall, placed in his situation. Considering the ability, integrity, and manly spirit of the Lord Chancellor, and considering that he had in so eminent a degree possessed the confidence of his Sovereign, and that he now possessed the confidence of the people, he should give his vote, that Edward Lord Thurlow be one of her Majesty's Council.

Lord *North* replied, and said that he greatly esteemed the character and abilities of Lord Thurlow, and would, if the Motion should be agreed to of appointing the Lord Chancellor for the time being, bring in a Clause to continue Lord Thurlow of her Majesty's Council if he should be removed from his situation.

Mr. *Dundas* replied, but still objected to the Motion being postponed.

Lord *North* again spoke in reply.

Mr. *Hawkins Browne* said, the Regent ought not to have the care of the Royal Person. Mr. Browne spoke in favour of the appointment of Lord Thurlow, and against the insertion of the words, "Lord Chancellor for the time being," on the principle of not suffering any person of the Regent's appointment to be of her Majesty's Council.

Mr. *Wyndham* spoke much at length in support of the arguments advanced by Lord North.

The question for postponing being put, it was negatived, and the Motion for appointing Edward Lord Thurlow was carried without a division.

The other names (that of the Archbishop of York, Lloyd Lord Kenyon, and those of the Master of the Horse, Lord Chamberlain, and Lord Steward) were severally put and agreed to.

As soon as the *Chancellor of the Exchequer* had moved the eight names regularly, and the question been put upon each, and the Committee had decided that those eight names stand as the names of eight Members of the Council,

Lord North. Lord *North* moved “That his Royal Highness the Duke of York and Albany be a Member of the said Council.”

Mr. Pitt. The *Chancellor of the Exchequer* observed, that although the noble Lord had thought proper to make the Motion, without advancing any arguments in its support, yet agreeable to his declaration, that when the proper time should come for it, he should be ready to state his reasons, why he thought it necessary to give his vote against the Motion, he would proceed to state those reasons. Possibly what he had to offer, as well as his conduct on that occasion, might be placed in the catalogue of disrespect, and added to the other imputations so unjustly charged upon him of meaning to manifest a want of due attention and regard to the younger branches of the Royal Family; be that as it might, so long as he was conscious of acting upon no other principle, than an anxious desire to discharge his duty faithfully, in a moment of great arduousness and difficulty, he should firmly adhere to the rule of conduct that he had laid down for himself, as most advantageous to his country, and as best becoming his own character, perfectly regardless of any consequences, however personally injurious they might be to him. The first matter to be considered, was, he said, the nature of the Council in question, which was to be a Council of Advice, and a Council of Advice only. It had been said to be a trust, but the trust was to advise her Majesty in the care of his Majesty's person. The noble Lord had proposed that the Duke of York, the second son of the King, should be a Member of that Council. Perhaps the reasons assigned by a noble Friend of his, a noble Marquis, who spoke early in the debate, was of itself sufficient to shew that the appointment of his Royal Highness to be a Member of that Council, would be both unnecessary and improper; his noble Friend's argument remained to that moment unanswered. Most certainly there could be no occasion to put those Princes of the Blood, who were
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of course the natural advisers of her Majesty, into a responsible situation, and make them Members of a council, who were to advise the Queen when called on so to do, and were to answer for that advice. In the common transactions of the care of his Majesty's person, her Majesty would naturally consult the persons of her own family; but when an act was to be done of a much more important nature, she would then call upon her Council, who ought to be persons disinterested in the advice they might give, (farther than as their general wishes for the restoration of his Majesty's health, which they must feel in common with the rest of his Majesty's subjects, should make them otherwise) and who would necessarily be the best able to advise her Majesty. Whatever, therefore, they might do in form, it was clear that in the appointment of the trust, whatever the advice might be that was given, the authority to act upon should be in a single person. Another reason why it would not be right in his mind to name the Duke of York was grounded on those general principles upon which it had been deemed improper to let the Prince of Wales have any concern in the care of his Majesty's person. It was the situation and not the character of the Prince that precluded him from being named to share in the office of the Committee of his Majesty; he who was to be Regent ought not to have any concern with the care of the King, because being next in succession he was not fit to interfere with that concern. If, therefore, the Prince of Wales was unfit for such an interference, respect to him made it necessary to extend the same general principles to the Duke of York, and the rest of the Royal Family.

Lord *Beauchamp* differed from the Right Hon. Gentleman, and Lord *Beauchamp*, thought the Princes of the Blood the properest persons to advise her Majesty concerning a trust, in the due execution of which they were so deeply interested. It became the Committee, his Lordship said, to give a preference to those who, in point of situation, of duty, and affection, were the fittest persons to assist the Queen with their advice. His Lordship adverted to the subsequent part of the Bill, where the Council were to act in the discharge of a very great and important trust, that Clause which provides in what manner they should proceed on his Majesty's recovery, and declares under what circumstances the Restoration of his Majesty should take place. That
and

and the other House of Parliament had taken upon themselves to pronounce his Majesty's incapacity, after a proper examination of his Majesty's Physicians, but the Bill took the more important proceeding to restore his Majesty to his Government, out of their hands, and intended to substitute that Council on this very delicate question, and that not only when Parliament was not sitting, but even during the sitting of Parliament. - His Lordship dwelt on this very serious innovation on the power of the Legislature, and the functions of that House. The adoption of the other branches of the Royal Family would, he should imagine, be most pleasing to her Majesty, and equally necessary in a public sight. His Lordship reminded the Committee, that they were to propose a Council such as the Parliament and the people of Ireland would approve, because it was to be considered that the same Prince who sat upon the Throne of Great Britain, must sit upon that of Ireland; they ought, therefore, to take the same means as the people of Ireland would be willing to adopt, and how was he or any person sure that the people of Ireland would leave the advising of her Majesty, in respect to her care of the King's person, to a Council which they knew nothing of, and which was different from all other Regency Bills? His Lordship urged several other arguments, and said, the insertion of the other branches of the Royal Family would not make the Council too numerous, and he declared, that he did not think, without the Rt. Hon. Gentleman was to state stronger objections against following the precedents of former ages, that they ought to be departed from. In every former Regency Bill, some of the Royal Family were included; in the present Bill, they were studiously excluded, and that without any sufficient reason, as far as he was capable of judging. His Lordship concluded with declaring, that he should vote for the noble Lord's Motion.

Lord North. Lord *North* said, the Right Hon. Gentleman had seemed to wonder that he had made the Motion, without accompanying it with much argument; the reason was, his Lordship said, because he conceived he had argued it very sufficiently when he had first risen in that day's debate; if the Right Hon. Gentleman, however, thought it wanted argument, he would state a few more reasons why he thought the Committee ought to adopt it. The Right Hon. Gentleman had alluded to the speech of a Noble Marquis,

Marquis, and had said it remained unanswered. The Noble Marquis had said, the Queen might, if she pleased, call for the counsel of the Princes, and therefore there was no occasion that they should be Members of the Council of Advice. The Queen might, his Lordship said, if she pleased, call for the advice of any one or all of the eight persons named for her Council, just as much as she should call for it in their capacity of counsellors. The Privy Council, his Lordship said, was in a great measure a Council of Advice. The Princes of the Blood were Members of the Privy Council, and when they attended a Privy Council called by the King, they attended a Council of Advice. The Council to be appointed under the authority of the Bill was, his Lordship said, not long since stated to be a Council of Advice, but afterwards to be something more, because they were to be partakers of the act of restoring his Majesty to his government. The Right Hon. Gentleman had said that they should not trust the person of the King to the Successor of the Crown. That principle, his Lordship said, went too far; it was a barbarous principle, that excluded every one of the Royal Family from those Councils and that advice. He contended that there was not any rule that could support excluding the Successor from a Council to consider what was best for the care of the health and the preservation of his Majesty. The principle laid down, therefore, was a barbarous principle, carried to the height of barbarity. His Lordship animadverted on the rule of conduct that the Bill prescribed for the Queen and the Council on the King's recovery. They were immediately, he observed, to send an account of it to the Lord Mayor of the city of London, and cause it to be printed in the London Gazette. The public, his Lordship said, he was sure would like the Queen's certificate of the King's recovery better, if some of the Princes of the Blood were in the Council. He put the case of her Majesty's death. Should the Queen die, his Majesty would be in the hands of not one of his own blood, a circumstance, in his opinion, extremely material to be considered.

Lord *Maitland* said, there was not from the northernmost to the southernmost part of the island one man that could urge a reasonable objection against his noble Friend's Motion. The Right Hon. Gentleman, his Lordship observed, had said, he trusted that the

fide of the House on which he stood would mention his conduct in the catalogue of disrespect imputed to him. He would not, his Lordship said, notice it as a disrespect, but as an insult to his Majesty, an insult to the Queen, and an insult to the Prince of Wales. Was it to be believed that the Queen chose rather to advise with the *menial* servants of his Majesty, as the Right Hon. Gentleman had thought proper to state them to be, than consult with his relations? Sure he was, that when his Majesty got well, he would look with pleasure to the Resolution of that House, which made the Prince of Wales one of his Counsellors. His Lordship spoke of the comfort every man felt in being advised by his own relations. He put the case to Mr. Pitt, who had, he said, so plentifully provided for his relations. When he looked to the Board of Treasury, when he looked to the Board of Admiralty, when he looked to the Chair of that House, he saw every proof of —

Sir James
Johnstone.

Sir *James Johnstone* rose suddenly, and said he would not suffer the Speaker to be abused.

Lord Mait-
land.

Lord *Maitland* said, the Right Hon. Gentleman would not, he was sure, consider it as an inclination in him to abuse the Speaker in what he had said; he would therefore pursue the thread of his argument. If he thought the Prince of Wales was wicked enough to wish to preserve the Government of the country when the King grew well, he would be the last man living to suggest his being of the Council. The Right Hon. Gentleman, his Lordship observed, when he could not produce any argument, had invented the device of calling it a question of *feeling*; if therefore it was a question of feeling, the question then under consideration was a question of that nature, and he did not doubt it would revolt the feelings of all public men, when they came to hear that the Prince of Wales should have been treated with so much disregard, and so much marked insult. The Right Hon. Gentleman had said, that Lord Thurlow was a fit person to be a Member of the Council, because the Noble and Learned Lord was high in his Majesty's confidence. Had not his Majesty shewn as much confidence in his Royal Highness the Duke of York? Would any man so much libel her Majesty as to suppose that she would not feel great comfort in the advice of her own son? There could not, his Lordship said, be

but one opinion in the country, and that opinion must be, that the Duke of York, the two other Princes his brothers, and the Dukes of Gloucester and Cumberland, should be Members of the Council.

Mr. *Addington* much doubted, if there could be but one opinion in the country, whether that opinion was as the Noble Lord had stated it to be; certain he was there were sufficient reasons why that ought not to be the opinion of that House. The Noble Lord in the Blue Ribband had declared, that he conceived the principle of excluding the Successor to the Crown from the Council to advise her Majesty in the care of the King's person, was a barbarous principle, carried to the height of barbarity. It was, nevertheless, Mr. *Addington* said, the principle that governed the practice of the first Court of Equity in this kingdom, in all cases concerning persons labouring under the malady with which his Majesty was unfortunately afflicted; the rule was, never to appoint the heir apparent, nor even the heir presumptive, to have the care of the person indisposed, but to take, as the most unexceptionable, the individual least interested in the death of that person. The Queen stood precisely in this predicament. Her Majesty, for a thousand reasons, was the most proper to have the care of the King's person, and the Prince of Wales was, for a variety of very different reasons, unfit to take any share in that concern. The Noble Lord, Mr. *Addington* observed, had said, that in case of her Majesty's death, the Council would have the care of the King's person. If the Duke of York, therefore, was to be of the Council, and the Prince of Wales were to die, the Duke of York standing then as Heir Presumptive to the Crown, would have the custody of the King's person, which would be highly improper. When the death of the Queen should happen, the Bill had provided for the circumstance. The only case in which the Queen ought to act under the Bill by herself, was in regard to the resumption clause, and the Bill especially defined what was to be the line of proceeding to be adopted. Mr. *Addington* assigned as an additional reason why the Duke of York, and the other Princes of the Blood, ought not to be of the Council, that their over anxious wishes for his Majesty's recovery, might make them too zealous, and induce them to pronounce that his Majesty was in a state of

sanity,

sanity, before his restoration to health was complete. Mr. Addington, before he sat down, solemnly declared, that in regard to the measures lately pursued, in consequence of his Majesty's unfortunate illness, he had acted from principle; he had maturely considered every part of the system; he had voted upon conviction in consequence, and he felt a pride and a pleasure in having given his feeble support to his Right Hon. Friend.

Lord North. Lord *North* rose to explain. His expression, that excluding the Successor to the Crown from the Council, was pushing a barbarous principle to a barbarous extent, was not his own expression, but an expression of Lord Chancellor Macclesfield, in a similar case to the present. The Hon. Gentleman, his Lordship observed, had argued thus, "Would you, said the Hon. Gentleman, trust the Presumptive Heir to the Crown with the care of the King's person?" The Duke of York, his Lordship observed, was not the Presumptive Heir to the Crown, nor would he have, if named one of the Council, any sort of controul over the Queen. He was only as other Counsellors were, recommended to advise her Majesty when she called for that advice.

Mr. Burke. Mr. *Burke* rose, and there being a call from some of the Committee for the Question, he said it was natural for those who dissented from the majority to wish to be heard. The Committee had now got, Mr. Burke said, two principles laid down, and those as opposite to each other as light to darkness; the Hon. Gentleman who had spoken last but one, had said the Duke of York ought not to be of the Council, lest his too great zeal should prompt him to pronounce the King well before he was so, and the Right Hon. Gentleman had said, the presumption was, that from the Princes of the Blood being interested, his Majesty might not be restored to his Government when his health was established. Mr. Burke reasoned upon these contrasted and different disqualifications, and denied that they could both be founded. He said, Gentlemen were fond of resorting to the dark and barbarous time of Henry the sixth; a period before our Constitution was formed. He would refer them to more modern times, to the Regency Bill of the fifth of the present King, a Bill brought into Parliament at the instance of the King himself. In that Bill, the King was enabled to nominate a Regent, but disabled from naming any but his

his Successor. Mr. Burke laid great stress on the wording of that statute, and asked whether it was right to exclude all the sons of a father from having any share in the custody of his person. He was, he said, himself a father, and the Noble Lord was likewise a father. He appealed to the Noble Lord, and to all fathers, how they would feel, on recovering from a dangerous and severe malady, if they found their sons had been debarred all share of the custody of their persons. For his part, Mr. Burke said, he should regard that man as a murderer, that had so excluded his son. He exclaimed against the times; they were, he said, ignorant times, not barbarous, because he really thought there was enough of urbanity and softness of manners; but ignorant, because mankind in general now drew all their information from newspapers and magazines. The learning of this day was bad learning, which was the worst sort of ignorance. The Right Hon. Gentleman had said, "let us have Members of the Church, and Guardians of the Laws, of the Council, and Officers of the Household." He knew not one of the persons in office, but he knew that the Queen might change the Household the next day, and new persons would be her advisers. He declared he would not vote with the Right Hon. Gentleman, but with the laws of his country.

The Question was put, and the Committee divided.

Ayes 130

Noes 177

His Royal Highness Prince William Henry was then proposed, and the Committee divided again. *Ayes* 128—*Noes* 176.

His Royal Highness Prince Edward was negatived without a Division.

The Committee divided on the Duke of Gloucester's name,

Ayes 129

Noes 178.

The Duke of Cumberland was negatived without a Division.

Mr. *Dempster* proposed the Speaker of the House of Commons for the time being. Mr. Dempster.

The *Chancellor of the Exchequer* said, on every account, from friendship, affection, and consanguinity, he might well be supposed to be partial to the present Speaker of that House, but he could not agree, that he ought to be a Member of the Queen's Council. The four that had been first voted Members were the heads of the Church and the Law; and the four last were the principal Mr. Pitt.

principal Officers of his Majesty's Household ; whereas the Speaker of that House was of neither description.

The Question was put and negatived.

The Lord Mayor of London for the time being was next proposed, and negatived on the Question put.

At length, after some desultory conversation, they came to the Clause containing provisions for his Majesty's being restored to his Government on his recover , when

Mr. Pitt.

The *Chancellor of the Exchequer* said, though they were all agreed as to the object of the next Clause, yet, as from what he had heard, there was likely to be a good deal of difference of opinion about the means of attaining it, he thought it would be adviseable to adjourn, and come fresh to the discussion the next day. He only wished the Committee to understand that it was his intention to make the Report immediately after the Committee had got through all the Clauses.

The Chairman was directed to report progress, and ask leave to sit again.

The House being resumed, adjourned.

Wednesday, February 11.

R E G E N C Y B I L L.

The Chancellor of the Exchequer having moved the Order of the Day, and the House being resolved into a Committee of the whole House, Brook Watson, Esq; in the Chair,

The 26th Clause was read, providing for his Majesty's resumption of his Government, which is as follows :

“ *And be it further Enacted* by the Authority aforesaid, That when it shall appear to her Majesty the Queen, and to

of the Council appointed by this Act to assist her Majesty in the Execution of the trust committed to her Majesty by this Act, that his Majesty is restored to health, it shall and may be lawful for her said Majesty, by the advice of of her said Council, to notify the same, by an instrument under her Majesty's hand, and signed also by the said

of her Majesty's said Council, and addressed to the Lord President of his Majesty's most Honourable Privy Council for the time being, or, in his absence, to one of his Majesty's principal Secretaries

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of State; and the said Lord President, or Secretary of State, shall, and is hereby required, on the receipt thereof, to communicate the same to the said Regent, and to summon forthwith a Privy Council; and the Members of his Majesty's most honourable Privy Council are hereby required to assemble in consequence of such summons; and the said Lord President, or, in his absence, the said Secretary of State, in presence of any or more Privy Counsellors so assembled, to cause the said instrument to be entered on the books of the said Privy Council, and immediately thereafter to send a copy of such instrument to the Lord Mayor of the City of London, and likewise to cause the same to be printed in the London Gazette."

The *Chancellor of the Exchequer* submitted to the Committee, Mr. Pitt, whether he should enter into the general statement of the Clause, for the purpose of rendering the debate more convenient, previous to his moving the filling up the blanks.

Mr. *Burke* said, in his opinion that would be the most convenient mode. Mr. *Burke*.

The *Chancellor of the Exchequer* again rose, and observed, that Mr. Pitt, the first blank he meant to propose to be filled up with the word, "Five." In considering this Clause, it was, he said, necessary to consider the subsequent ones, they being all connected together. The general principle of the Clauses he need not argue, as the provisions for his Majesty's resumption of his Government, arose out of every principle of regard to the Constitution, the law of the land, of the allegiance they all owed to their King, and out of the Resolutions themselves, which were professedly calculated for the interval of his Majesty's indisposition alone. The general principle felt by the public was, that the whole of this measure was calculated only for the duration of that necessity; in policy they were also bound to take measures that the Regency should continue no longer than the happy moment of his Majesty's capability to resume his right; it could not be the wish for it to last any longer; the point they were then considering was, he said, of the greatest importance. It was his Majesty's undoubted right to resume the personal exercise of the Royal Authority as soon as he was capable of it. They were providing for that right, and in so doing, they ought to provide according to the Constitution,

that they should not be thought to be trenching on Royalty, and if they went any farther than the necessity of the case, they should be *usurping* to themselves a right of transferring the King's undoubted right to another. As long as there existed the necessity of his Majesty's remaining in the care provided for the Royal Person, they could not look for one Royal Act from him; the first preliminary, therefore, was, that previous to his Majesty's resuming the Royal Authority, the Queen and her Council must notify that the infirmity no longer subsisted. And when the Queen and her Council suggested that the infirmity no longer existed, his Majesty would have a clear indisputable right to resume his Government; upon such notification of the capacity of his Majesty, he would not be able to do any act of royalty, but through some ostensible channel. When his Majesty should no longer be infirm, he must act as a King through some ostensible channel; it was then the duty of that House to provide for his Majesty that ostensible and fit channel, through which he would have to communicate his act to the Parliament and the people. In providing such channel they were to look to ostensible persons, to the Privy Council; those who might on his Majesty's recovery be in executive departments, would by no means be fit persons to consider his Majesty's capability of returning to his Government; the mode therefore proposed in the next clause was, that those who should be at the time, or shall have been, of his Majesty's Privy Council, and who should be selected by his Majesty, to any number not less than *nine*, he meant to propose, should be the channel of communication, and if *six* of such Privy Council should agree with the representation of the Queen and her Council, that his Majesty's infirmity no longer existed, and should have countersigned the proclamation, they would be the channel through which his Majesty would have to communicate to the public his happy recovery. The principles he went upon then were, that while his Majesty's infirmity continued, he could not do one royal act; that, when it ceased, his Majesty would have an indisputable right to assume the reins of Government; that such recovery must be communicated through some ostensible channel; that those who were in executive departments at the time would be unfit persons; and that those who were, and had been of his Majesty's Privy Council,

Council, would be the proper channel through which his Majesty's recovery was to be communicated to the country, for which they would be responsible, and upon such notification the Regency would immediately cease. There could not a doubt exist, he said, under such guards, that his Majesty would prematurely be restored to his Government; the Queen and her Council were to make such notification to the President of the Council, and on his Majesty's requisition, under his sign manual, a Privy Council were to assemble, and by that responsible channel was his Majesty's Proclamation to be countersigned, and the Parliament were to meet immediately. He said, he would not suppose it possible that under such care, a resumption could take place under doubtful or equivocal circumstances: it would be a resumption Parliament would have to meet and contemplate with joy; a resumption long wished for by a people whose ardent and hourly hopes were for his Majesty's speedy recovery.

Mr. *Powys* thanked the Right Honourable Gentleman for Mr. *Powys*. having stated in this business the principles of a system quite novel, incongruous, and unconstitutional. He declared he wished to introduce specific Amendments of a quite contrary nature to those proposed, to controvert such pernicious propositions. He trusted that the House would resist them *in toto*. He wished to support the honour, the dignity, and the loyalty of the two Houses of Parliament, which were grossly insulted by an attempt made to supercede the Rights of Parliament, and put them into the hands of a hacknied and garbled junto. Mr. *Powys* said he had viewed none of the Clauses with greater surprize than this. The Right Hon. Gentleman had declared that his Majesty, while his incapacity exists, could do no one Royal Act; but the Clause provided for the exercise of such act, when his Majesty should be *supposed* not to be incapable. The Hon. Gentleman, he observed, had stated the great certainty of the responsibility of the Queen's Council; but how were they responsible! They were to be made penally responsible for that act, of which they could not distinguish the motives. It was stated in the Clause, that the moment it was made appear to the Queen, that his Majesty was recovered, she was to do so and so, but how was it to be made appear? The Hon. Gentleman had shewn great suspicion in this case, not of
one,

one, but of all the three branches of the Legislature. Was there, in fact, a suspicion of any one branch of the Legislature? If so, there should be a suspicion of the others. But he found there was an intention to treat the Legislature, as the Right Hon. Gentleman had treated that House. Parliament, he said, had not gone on supposition to the point of his Majesty's incapacity; but had proceeded in the most solemn manner to the investigation of that fact, and in the same manner, he contended, they ought to proceed to the important point of his Majesty's recovery. When his Majesty should awake from that slumber in which he then lay, and should enquire into the transactions that had passed, and ask by what authority he had been superseded in the exercise of his own functions, he would be told, "this was the act of your faithful Commons." He would hear, that by them he had been condemned to supercession, by them he had been subjected to restriction. When his Majesty should ask, have my sons, my brothers been near me? The answer would be, no, Sire; Parliament has taken care that your sons and brothers should have nothing to do with you. When he should ask, have my other great officers had the care of me? The answer must be, no, Sir, they have had nothing to do with you. You owe it to four persons, John Moore, commonly called Lord Archbishop of Canterbury; William Markham, commonly called Lord Archbishop of York; Edward Lord Thurlow, and Lloyd, Lord Kenyon. Did not this conduct, he asked, tend to poison the Royal mind, and make his Majesty think that those four individuals were the pillars of his Throne? Within these two years they had seen a variety of extraordinary things. Gentlemen had seen the Executive Power used to degrade and disgrace the House of Commons; they had seen the Lords and the Commons made the instruments of mutilating the Executive Power; and that House was now called upon to be the instrument of its own humiliation, and to declare itself not fit to be trusted with the re-instatement of their Sovereign. He hoped Gentlemen were not so lost to a sense of their own honour as to subscribe to such a disgraceful doctrine, and so basely degrade themselves, as they were called upon to do by the Clause now offered to them. He meant to propose several Amendments, and to support the Amendment of an Hon. Friend of his, behind him,

which he had seen and approved. For the present he entered his protest to the whole system.

Mr. *Vyner* supported the argument of Mr. *Powys*.

Sir *Richard Sutton* said, it was matter of surprise to him, that Sir *Richard Sutton*. those who some time since contended against the rights of Parliament to lay any Restrictions on the Regent, now came forward to restrict their lawful Sovereign. He said his Majesty's claim was irresistible; the instant he recovered, so as to be able to resume his Government, their authority fell to the ground, and there was an end to the Regency. He condemned the idea of the two Houses going into an examination of the capacity of his Majesty, upon his recovery, which he considered as highly injurious to his Majesty's rights; and argued that it bore no parallel with the necessity of a parliamentary examination to prove the incapacity; the King not meeting his Parliament in person or by commission, and a stop thence existing to all Executive Acts, it was necessary that the infirmity should be proved, to shew the right of the two Houses to provide for the exercise of the Royal Authority; but when his Majesty was restored, should they have an examination in Parliament to know whether they would admit him to exercise his undoubted Right? On his Majesty's recovery he would recover his right, and Parliament would have no right to consider of, for the exercise of the executive authority. Being convinced of the propriety of the Clause, Sir *Richard* said, he would oppose the Amendment, and support the Clause as it then stood.

Mr. *Francis* said, he should trouble the Committee but for a few Mr. *Francis*. minutes, reserving to himself to deliver his opinion more at large on the whole transaction, at some other period prior to its being completed in that House. He said, that among all the novelties, which had occurred in the course of this business, some of them alarming, and all of them surprising, nothing had surprised him more than that he should now, he believed for the first time, not have been able to comprehend the meaning of the Chancellor of the Exchequer; that although he did not often assent to the opinions, and was seldom convinced by the arguments of that Gentleman, he generally, if not always, perfectly understood him; for few men, he confessed, had a clearer way of stating their meaning upon any subject, or making their ideas intelligible to those, who heard

heard them. That, on the present occasion, though he had listened to him with the utmost attention, he was utterly unable to conceive what he meant. That, whereas the question before the Committee regarded the mode of establishing, by sufficient evidence, the truth of a most important fact, namely, the certainty of his Majesty's recovery, the Right Hon. Gentleman had not said one word about either fact or evidence, but had rung the changes a dozen times over, upon the words, *channel* and *channel of information*, without any apparent application to the subject, and in a way which conveyed no distinct idea whatever to his mind. Mr. Francis said, that he had risen to state a precise specific question to the Gentlemen on the other side, to which, he hoped, some of them would condescend to give a clear, direct, and rational answer. He said, that to every man who had had an opportunity of observing persons afflicted with a disorder of the mind, it was a truth which could admit of no dispute, that to ascertain the fact of the existence of the disorder was one of the easiest operations on which the human judgment or observation could be employed. But that to ascertain the fact of a real recovery was one of the most difficult points of enquiry, as well as the most doubtful in the result, that could be proposed to human sagacity. That a view of the person, or a conversation of a few minutes might be sufficient to put the first out of all doubt; whereas, to ascertain the second, would require long, minute, and attentive observation; a variety of tests, and a continued experience; and even with all these precautions, the investigation might possibly end in finding a false fact. The party might deceive himself, and persuade others to abet him in the deception. On this unquestionable truth, Mr. Francis said, he founded his question; namely, “*Since you have admitted that the interposition and cognizance of the two Houses of Parliament was necessary to ascertain and establish the fact of the King's incapacity, that is to perform an act of no difficulty whatever, on what rational ground of distinction do you now assert, that the interposition and cognizance of the same judgment is not necessary to establish and ascertain the fact of his recovery, an operation in which, of all others, our observation, and even our experience, is most liable to be deceived? And if you thought the authority of Parliament was necessary to warrant the first fact to the satisfaction of the whole Kingdom,*

dom, why do you think it unnecessary to warrant the second fact by the same authority? Why do you refer this question to the decision of an inferior tribunal?

Mr. *Marshall* said, Sir Richard Sutton's declaration that his Mr. Marshall. Hon. Friend had resisted the Rights of Parliament, and now was going to make unnecessary and unjust Claims for Parliament, appeared to him to be remarkable language. Mr. Marshall objected particularly to that part of the Clause, enabling his Majesty to call in what Privy Counsellors he thought proper, to decide upon the Question of his Majesty's ability to resume his Government. He had two Clauses that he meant to submit to the House instead of the one proposed by the Right Hon. Gentleman. They were to provide, that on the notification by the Queen of his Majesty's recovery, Parliament should, if sitting, in not less than four days, nor more than six, after such notification, order his Majesty's Physicians to attend at the Bar, and to have a single Question put to each of them, namely, whether his Majesty was capable to resume the reins of Government? If the answers were given in the affirmative, the Houses should go up with an address to his Majesty praying him to resume the reins of Government; and on such an occasion he was confident that the whole nation would go up with one voice, congratulating each other on the happy return of their Sovereign. This mode, he conceived, would be far more satisfactory to the people of England, than the one of the Privy Council, proposed by the Right Hon. Gentleman. Mr. Marshall here read the two Clauses he meant to propose; the first of which was, in substance, as above stated; and the second gave the power to the Regent, and to Physicians to have free access to see his Majesty after the notification of his recovery. He concluded by observing, that if his Clauses were rejected, the House would give a deliberate opinion to certain Counsellors of their own appointment, which they would not trust themselves with.

Mr. *Bouverie* was sorry to differ from his Hon. Friend, but he Mr. Bouverie. saw no principle in his Clauses, that was correct and constitutional, or that did not go too far.

Colonel *Phipps* argued for the Clause proposed by the Right Col. Phipps. Hon. Gentleman. He urged the propriety of the examination that had taken place in the first instance, to prove the malady; and the

the impropriety and indecency of taking a Parliamentary examination of his Majesty upon his recovery. He asserted the right of the King to resume his government the moment his infirmity ceased to exist. He wished the resumption to be brought forward in the most easy, and at the same time in the most responsible manner, and for that reason he objected to the interference of Parliament, who, not being a responsible body, were improper so to act; he wished they might keep within their own bounds, and look after the responsibility of others; he wished them not to drag their Sovereign to their bar, to be examined as to his recovery, but to be ascertained by those who had seen the progress of his recovery. He saw the King was mending. Dr. Warren, he observed, had signed his name that his Majesty was better. Dr. Warren and the rest of the Physicians, and not the House, would see the progress of his recovery. The Colonel animadverted on the speech of Mr. Powys. That Gentleman had said, the King, on his recovery, would ask, have my Parliament given me this power; my dear children; my brothers? *No*. The Parliament gave him the power, Colonel Phipps said, at the time of the Revolution. He declared he wished them not to take upon themselves the part of a Republic, and when they thought proper, present a Crown, but to act as a Parliament belonging to a free Constitution at the head of it.

Mr. Sheridan.

Mr. *Sheridan* said, he should not have risen after having heard the most able arguments he had ever heard, and the most extraordinary resolves. The Hon. Gentleman had said, the King had a right to resume his Government, when recovered, and that it was his undoubted right. Nobody disputed it. Nobody questioned the right. The real Question was the fact of his Majesty's being restored and capable of resuming the Government, and the manner in which that should be ascertained, and the resumption of his powers made. After passing that Bill, the real question would stand that his Majesty had no right, though his Majesty would have an unquestionable right on his recovery. But what were the proper means to ascertain that recovery? By the mode proposed for his Majesty's resumption of his Government, it was to be under certain terms and conditions; who then were to be the judges of those conditions, who so proper as the two Houses of Parliament?—There was no person, he said, doubted the propriety of going into

into an examination to prove the incapacity; it was their duty to do so, and it was equally their duty to take care to provide against any act of his Majesty until his capability was known. By the present Clause they were about to delegate the trust that belonged to themselves, to others, and thereby depart from the duty they owed their country, and degrade themselves by acknowledging that those eight Counsellors of her Majesty were more trust-worthy than Parliament. After reprobating the powers of the Clause given for the resumption of the Government, as dangerous, he summed up his arguments by saying, that they were about to delegate their authority into most suspicious hands, into hands by no means proved to be fitter for the trust than the Parliament; they were about to fall into the error, which the principle of their Bill was to guard against, namely, the suffering the Regent to have the power over the person of the King in many cases, but in particular on the death of the Queen; they were putting themselves into a situation, that the first notice they might have of his Majesty's recovery, might be by a dissolution of the Parliament; the second step his Majesty might take, might be, under his Sign Manual, to appoint a new Regency, by Lords Justices, or otherwise; and that, when Parliament should again assemble, they might meet, not his Majesty, who might be relapsed, but his Commission, without ever having any proof laid before them of his Majesty's having ever recovered.

Mr. Dundas said, Mr. Sheridan had stated the real question, and argued very fairly, though he had contradicted by his practice what he had declared, that it was necessary to examine into the incapacity of his Majesty, since out of that incapacity arose their right to delegate the Royal Authority. On his Majesty's recovery, they would have no such right; the right of exercising the Royal Authority attaching itself to the King the moment of his recovery. He agreed with the Hon. Gentleman (Mr. Marsham) that, on the happy and joyous day of his Majesty's recovery, there could be but one sentiment, one united effusion of joy and gladness throughout the empire. He also agreed that it would become the House to congratulate his Majesty on his resumption of the Government, but he could not agree with the Hon. Gentleman, that his Majesty should be retarded from his right of governing until they had addressed

dressed him to take the reins of Government. The proposition of his Right Hon. Friend was to enable his Majesty to come down and meet his Parliament, on his recovery, in his own right as Sovereign. The other proposition was to humble him to the character of a suppliant for his Throne, seeing his Authority exercised by another, in the person of his Regent. The system proposed by his Right Hon. Friend, went as near as was possible with the straight line of the Constitution, guarding the safe return of his Majesty to his Throne; and at the same time the right to assume his Government was so carefully guarded with every necessary provision and check, as to render it impossible that any resumption should take place in any way injurious or dangerous to the country. Gentlemen might talk what they chose about the Council appointed to her Majesty; but he would ask them, individually, whether, in their own consciences, they believed that those great and respectable persons would state his Majesty's recovery, in a public record, when they were convinced that such recovery did not exist; he was convinced, by his own feelings, what the opinion of every impartial man must be, and what would be the opinion entertained by the public at large, it would be that they were not capable of stating on record what they were not convinced to be true. The Clause gave to that Council the power of being in the daily observation of every particular of recovery; they had the power of examining the Physicians, and every opportunity of being competent judges of his Majesty's situation. It was true, that when her Majesty thought the King recovered, she was to notify that happy circumstance; but she could not do it alone; the House had placed on her Majesty a check of eight Counsellors for advice, without a majority of whom concurring in opinion with her Majesty, she could not notify such recovery; and such a check was, in his opinion, a sufficient surety to the House and the country that no premature resumption would take place. Her Majesty's Counsellors were men of strong judgment, and of great loyalty and attachment to their Sovereign, and would not, by premature judgment, subject her Majesty and the people to the pangs of having their King brought forward in a state incompetent to the exercise of his Royal Functions. The House would act wisely in adopting the present mode proposed for his Majesty's

return

return to his Government; it was not left to his Majesty's own judgment to give the notification of his recovery, but to the Queen, and the majority of her Council; and before the recovery could be declared to the Empire, the Privy Council must concur with her Majesty, and counterfign the Proclamation: there was an additional check even to these, and, which he did not consider the least, it was the opportunity given to his Majesty to exercise his philosophy and his religion, in revolving in his mind his situation, before he gave his proclamation, and came forth to his afflicted people, saying, "I am your King again." It had been asked, what responsibility attached to the advisers of her Majesty, or to those who counterfigned the Proclamation? He answered, the same responsibility that attached to any Privy Counsellor for advice given to the Monarch. Would any man of such a description as those eight persons who formed her Majesty's Council, chuse lightly or wantonly to take such a trust, or was it likely that they would abuse it? If they betrayed the trust reposed in them by Parliament, Parliament would act consistently in punishing them; it was, however, unlikely that such a trust should be violated, when the fact of his Majesty's recovery was to be given under the sanction of the Queen, the Queen's Council, of his Majesty, and lastly, of the Privy Council. An Hon. Gentleman (Mr. Powys) had said, that Parliament would be degraded, and that Gentlemen had seen that House degraded and disgraced; he agreed it had been degraded, not by the executive power, but by themselves; insulted they were, when those who made claims in which they were not supported by them who sent them to Parliament, the people of England; the persons who brought forward those claims, might be said to have insulted them; their conduct caused the people of England to address the Throne to protect them from their violence, and the wise measure of that day, which returned them to their Constituents, was happily felt by the return of the present Parliament, whose measures had been admired and applauded throughout the country. He charged Mr. Powys with having acted in an *unmanly* way, by sheltering himself behind the Previous Question, when the Question of Right was discussed. Mr. Dundas said, he never would agree to any measure to throw obstacles in the way of his Majesty's resuming his Government. Was it to be borne, that when

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his Majesty was recovered, his Regent should come down to the Parliament as King, make a speech as King, while their Sovereign was to be a spectator of the pomp and shew from the windows of Buckingham House? No, he would never agree to such a conduct, and believed the House and Country would revolt at it. He considered the plain question before the House to be, whether the mode proposed was sufficient to establish the fact of his Majesty's recovery, whenever that fortunate event should occur? The fact so ascertained would be sufficient to enable the Privy Council to present the King to the ardent expectations of his people, and if they did it prematurely, they were punishable by Parliament. Those, therefore, who agreed with him in thinking the powers sufficient to ascertain the fact, would not, he was convinced, submit to have any other mode adopted, which might retard his Majesty's return to his Government, and give him the uneasiness to see another meet his Parliament, and exercise his right.

Mr. Powys. Mr. *Powys* rose to explain: he said the Right Hon. and learned Gentleman had argued the matter fairly, and brought the question to its true point, upon which they were at issue, viz. Whether his Majesty, on the recovery of his health, should resume his Government upon the authority of the Parliament, or nine of his Privy Council. The Hon. and learned Gentleman, he avowed, had understood him right, when, by his declaration that Parliament had been degraded and disgraced, he understood him to allude to the dissolution of the last Parliament, after the promise given to the House and the public, in the name of the Right Hon. Gentleman, that he would not advise his Majesty to dissolve the Parliament. Mr. *Powys* said, if he had not understood the Hon. Gentleman to whose declarations he alluded, he was sorry for it, he did not wish wilfully to misunderstand him, but if he had, he believed many misunderstood him in the same way as he did at the time. The Hon. and learned Gentleman had stated, that he took an *unmanly* part on a former day, in shrinking from the discussion of the Question of Right. He did not shrink from it, Mr. *Powys* said, but thought the discussion of the Right unnecessary, and after giving his reasons for being of that opinion, deprecated the discussion. With regard to the subsequent proceedings upon the Resolutions, he had questioned the right of Parliament to parcel out the power
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of the Crown, and he had stated doctrines which he had found in books, that he conceived to be books of undeniable authority, which proved that such a division of the Royal Prerogatives, and such a separation of the regal power from the Kingly office, were neither legal nor constitutional. Having fully explained these points which Mr. Dundas had adverted to, Mr. Powys said he hoped he did not transgress Order, but perhaps he did what was almost as bad, intrude upon the patience of the House; he had risen merely to confine himself to explanation, but might he beg permission to add about six sentences more. The Hon. and learned Gentleman had drawn the argument into a fair point of view, and had met what they on that side the House had no scruple to avow to be their meaning, viz. that as Parliament had thought it to be their duty to pronounce the incapacity of his Majesty to exercise the Royal Authority, Parliament ought to be enabled to enquire into the fact of his Majesty's recovery, and to declare it previous to the resumption of the personal exercise of the Royal Authority. But the Hon. and learned Gentleman had said, ought his Majesty to supplicate Parliament, and intreat, at their hands, a grant of that, which was his Majesty's undoubted right to exercise, as soon as he was in a capacity to exercise it? In answer to that, he might ask the Hon. and Learned Gentleman whether his Majesty ought to supplicate nine of his own servants, persons holding places under him, for that which was his undoubted right, because if the nine Privy Council did not choose to join in the transactions, his Majesty could not resume his authority? The Hon. and Learned Gentleman had said, they were all solicitous for his Majesty's recovery, and his restoration to his Government; but were not Privy Counsellors equally solicitous, and equally anxious for it? The fact might be so, Mr. Powys said, but it was a proceeding of too serious and too important a nature, to take place under the sanction of any other authority than that of Parliament.

Mr. *Banks* rose as soon as Mr. Powys sat down, and said it was not pleasant to hear himself attacked, and not to be allowed to answer. The sort of charge that had been made upon him by the Hon. Gentleman, had not that day been urged for the first time; if he recollected rightly, it had been urged before, more than once,

Mr. Banks.

by the Hon. Gentleman; he begged leave, therefore, to say a few words in his own behalf. The Hon. Gentleman alluded to a declaration of his, made five years ago. At that time there had been a violent opposition to his Right Hon. Friend, whose opinion he had uttered on the occasion, and whose commission he had executed faithfully. He had no doubt, Mr. Banks said, but that when he made the declaration, it was his Right Hon. Friend's determination strictly to abide by it. He recollected there were reports of a speedy dissolution of Parliament, and the opinion he had delivered arose from this; an Address was moved to be presented to his Majesty, stating, "that several weighty matters and proceedings were under the consideration of Parliament, and praying that his Majesty would lay aside the exercise of his undoubted Prerogative, and not dissolve the Parliament till they had decided upon the weighty matters that were before them." He lamented that a Right Hon. Gentleman was not then present, because he was sure his candour would induce him to confirm the statement that was given. That Right Hon. Gentleman had objected to the declaration at the time, and with great fairness had proposed a more Parliamentary mode of proceeding. The Right Hon. Gentleman had said at the time, that the declaration of an individual Member, was not a fit ground for that House to proceed upon, even if it had come from the best authority, meaning, no doubt, the Minister, (who had not been in the House at the time) and therefore he had recommended an address to the King, as a more clear and effectual way of getting an answer. He was not aware, Mr. Banks said, whether the Address had been moved by the Right Hon. Gentleman himself [a general cry from the other side, of *No! No!* and Sir *William Cunninghame* said, Mr. Eden] the Hon. Gentleman, however, had, in his opinion, discharged his trust, though party ran high, and Parliament had, in his opinion, got out of its proper functions. His Majesty was known to have changed his Ministry, and many violent proceedings took place, till at length Parliament was dissolved. Mr. Banks descanted on the difference between a declaration which the House had acted upon, and a declaration that had not been acted upon; which latter was the case with the declaration that he had made. He laid great stress also,

on an assertion, that a change of circumstances had occurred between the time that the declaration had been made by him, and the dissolution which actually took place afterwards.

The *Chancellor of the Exchequer* and Mr. *Powys* rose together. Mr. Pitt. Mr. *Powys* however sat down, declaring, that he would submit to the *command* of the Right Hon. Gentleman. Mr. Pitt thereupon with great anger said, the Hon. Gentleman would do well first to submit to the orders of the House, and next to conform to decency, and not wantonly introduce charges that were malicious and unfounded, respecting matters that had passed in that House five years ago, and matters which had no relation whatever to the subject of the Debate. He spoke of the extreme disorder of adverting to what had passed in another Parliament, and which had been repeatedly debated when the subject was fresh in their recollection. With regard to the matter itself, the Chancellor of the Exchequer declared, that had not his Hon. Friend thought it entitled to the notice which he had paid it, he would not have made the Hon. Gentleman over the way any answer; he had too much regard for the House, and for the important subject of debate then before them, to waste the time of the House about it, and as to any imputation to be dreaded from it, his character, he trusted, was above it. There had been no engagement made in his name, and through his means, and if any one asserted that there was, he asserted a fact destitute of foundation.

Mr. *Powys* said, the Right Hon. Gentleman had no right to Mr. *Powys*. assert in that House, what he had imputed to his charge; and he denied that he had said any thing that had either a malevolent or a malicious intention. He did not, Mr. *Powys* said, stand on the haughty and arrogant ground which the Right Hon. Gentleman had taken; he did not say that his character was above the reach of calumny; he would say nothing of his character, but only appeal to the fact. The Hon. Gentleman who spoke last but one, had talked of a charge and an imputation being made against him; he begged that Hon. Gentleman to know, that when he meant to make a charge, he would not disavow it. He believed that the Hon. Gentleman had very correctly stated to the House what had passed upon the occasion to which he referred, and he believed, that the Hon. Gentleman had meant nothing more, when he made

the declaration in question, than honourably to discharge the trust reposed in him by his Right Hon. Friend, in the manner that he had stated.

Mr. Pitt. The *Chancellor of the Exchequer* said, he felt too much the importance of the subject of the Bill then actually in debate, to say one word more respecting the declaration alluded to.

Mr. *Bouverie* said, the promise that Parliament should not be dissolved, and the breach of that promise were in every man's mind——

Mr. Dempster. Mr. *Dempster* called to Order; he lamented that so much of the time of the House had been wasted in discussing a subject which had no relation whatever to the actual ground of debate, and which happened in a time when party ran exceedingly high in that House, and Gentlemen's minds were much more divided and their tempers more irritable than they were at present; the less, therefore, that was said about it the better; for which reason he begged Mr. Watson would read the Question then before the House, that he might clearly understand what it was.

The Question was read accordingly, and the Debate proceeded.

Mr. Sheridan. Mr. *Sheridan* said, he did not mean to allude to the extraneous matter that had been introduced into the Debate. Mr. Sheridan complimented Mr. Dundas, declaring, that with regard to the beginning of his speech, he never had heard any thing more able, more earnest, or more eloquent; but that towards the end of it the Hon. Gentleman got himself entangled in an argument that destroyed the principle of all his former reasoning. The Hon. Gentleman had first doubted whether we had any right to impose Restrictions on his Majesty's re-assumption of his Royal Authority, and, he had afterwards said, that the Bill had provided all the necessary checks and restrictions, thus contradicting the Right Honourable Gentleman's assertions. Mr. Sheridan observed, that the Honourable and Learned Gentleman had said, ought his Majesty to be a suppliant to Parliament for the exercise of those Prerogatives which of right belonged to him? He would say that it would be better for his Majesty to supplicate that House for his Crown, than either his Council of eight, or his nine Privy Council. Mr. Sheridan charged Mr. Dundas with flying to the com-

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mon-place topics of pitying the King, and saying all he felt for him and his situation; they every one of them, no doubt, felt as they ought to do for his Majesty, but they ought likewise to feel for their country, which was an equal consideration. The Hon. Gentleman, he said, disdaining to read the Bill upon which he had been speaking, had made several gross blunders, and plainly proved that he was not a master of the various Clauses which the Bill contained; perhaps the Hon. Gentleman had not read them. The Hon. Gentleman had talked of what might happen in case of the Queen's death, whereas the Bill contained an express provision for that circumstance. He had all along understood, Mr. Sheridan said, that they were not to argue on grounds of personal confidence, and the Honourable and Learned Gentleman in particular had, a few days since, declared, that arguments of that kind were unmanly and improper; and yet, in his speech of that day, he had resorted to that sort of argument; he had called upon the House to know, whether Lord Thurlow, Lord Kenyon, and the rest of her Majesty's Council, were not the fit persons to advise her Majesty? Won't you, said he, believe that the Archbishop of Canterbury is a fit person to be trusted, and that he'll connive at no fraud in what leads to the circumstance of bringing forward his Majesty for the re-assumption of his Royal Authority? Undoubtedly, Mr. Sheridan said, it was not likely that the Archbishop of Canterbury, Lord Thurlow, and the rest of her Majesty's Council, were persons very likely to betray their trust; but they all knew that personal confidence was not a fit ground for Parliamentary argument. The Honourable and Learned Gentleman had the preceding day declared, that the Council of the Queen was only a Council of Advice, and yet that day they had heard him say, that it was a check and a Council of Controul. Mr. Sheridan bid the Committee recollect on what grounds the Irish Parliament proceeded; they took up the circumstance of the King's incapacity upon the declaration of the English Parliament, and proceeded upon a principle of respect to them. He urged the necessity, therefore, of their settling the mode of his Majesty's resumption of his Royal Authority, in such a manner as the Irish Parliament should be willing to adopt.

Colonel
Phipps.

Colonel *Phipps* rose to take notice of some remarks which Mr. Sheridan had made. The Hon. Gentleman, he said, had complimented him with an ingenuity which he did not deserve ; he had taken care, however, to mix with it some necessary portion of corrective severity, and had accused him of an error that he did not commit. Col. Phipps explained the point of his speech to which Mr. Sheridan had alluded.

Mr. Mar-
sham.

Mr. *Marshall* explained the meaning of the two clauses which he meant to move by way of amendment. The principal object of the first of which was, to address his Majesty, and desire him to assume the reins of Government ; and the principal object of the second, was to direct that his Majesty's present Physicians should be examined by the Privy Council. Mr. Marshall read the two Clauses at length.

Mr. Burke. Mr. *Burke* rose next, but a great many Gentlemen of the opposite side quitted their places as soon as they saw him up ; Mr. Burke observing it, said he would begin speaking as soon as the Gentlemen with orange capes had quitted the House. He first took notice of what had passed respecting the Hampshire Petition ; when it was said that the voice of their Constituents should be that of the Court ; when a Petition ; speaking the sentiments of a most respectable body of men, was treated as if it disgraced Parliament ; if the Right Hon. Gentleman had sent the author of an Address that had degraded Parliament, to tell the Court of Madrid, and all the Courts on the Continent, that he had degraded Parliament ; he was, Mr. Burke acknowledged, a poor, humble, follower, who gave his vote for that Address, and was talked of as having degraded and disgraced Parliament ; he wondered not that the Right Honourable Gentleman was desirous to come to a completion of the whole, and had now near twenty, among his voters, of those who had assisted in thus degrading and disgracing Parliament.

Mr. Sum-
mer.

Mr. *Summer* declared, what the Hon. Gentleman was saying was totally inapplicable to the subject under debate, he, therefore, desired that the Chairman would read the Question.

Mr. Watson

Mr. *Watson* said, he thought it his duty to inform the Committee that there was no Question before the Committee,

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The *Chancellor of the Exchequer* said, the Question was to fill up Mr. Pitt. the blank in the first Clause, but that at the desire of the Committee in general, he had summarily stated the principles and arguments on which he rested the whole of the regulation.

Mr. *Burke* said, he saw he might push the topick too far; his Mr. Burke. meaning was, to praise several who supported the Right Hon. Gentleman's Administration, but he found it was disorderly; if he approved the Minister's friends, it was irregular. Order, he observed, was an admirable thing, perfect in all its limbs, only unfortunately it *squinted*, and wanted the aid of some expert oculist to enable it to see straight. He took notice of Mr. Dundas's speech, declaring a part of it to have been ingenious, a part of it dull, and a part of it invective. The Honourable Gentleman had talked of the wisdom of the regulation for the return of the King to the exercise of his Royal Authority, and his triumphant entry into Executive Power. It would not, Mr. Burke said, be amiss, if, before they enjoyed the triumph, they shewed their wisdom by endeavouring to preserve the Empire. The ridiculous Petition they had just adverted to, advised them so to do. A Parliament was not to be resorted to in the event of his Majesty's resumption of his power; he desired to know, had they asserted the competency of Parliament, on purpose to degrade and vilify it? The Honourable and Learned Gentleman thought, that to depose his Majesty's Government, it was necessary to make an examination of Physicians before that House, but to give it to him, it was not necessary for that House to have any examination. The Hon. Gentleman asked, what had they to say of the characters of the Officers of the Household? He had nothing to say of them, but that when they had accepted the trust, they were not fit to hold it. He might adore the Duke of Montague, he might worship the Earl of Salisbury: he knew those; but he would not say that others, as great as they, would not do in their places. The House, he said, had no security at all for the due performance of that important event, that was to pass through the hands of the King's Council. The Honourable and Learned Gentleman had said, would you have the King a suppliant to Parliament? Yes, he thought Parliament the proper judge of Kings, and that it was

for their honour that they should be so. When he went to war with foreign powers, he wished the King to be a suppliant to Parliament; when he entered into subsidiary treaties, he wished him to be a suppliant; but he did not wish him to be a suppliant to his own menial servants, those who eat his bread and received his wages. If an examination by his Majesty's Physicians, when his incapacity was declared, if that were degradation, why did they make it a necessary proceeding? The Honourable and learned Gentleman said, if the King is well, he shall come and claim. Why then did he not? Oh, no, he must have restraint, but it should be any restraint other than that of Parliament. Mr. Burke reasoned on the necessary steps to be taken preliminary to his Majesty's being suffered to resume his authority; the first thing to be learnt, he said, was that the sanity should not be doubtful; because to produce the person of a Monarch, in such weakness as might render him the tool of a faction, who should make him do what he could not undo. Had they forgot the case of Charles the Sixth of France, who delivered all his power over to the hands of a faction who ruined France. Charles the Sixth, previous to his visitation by that dreadful calamity, was as enterprising as any Monarch that ever sat on the Throne of France, and just before it pleased God to afflict him, the French had talked of invading England; but after that period, England invaded France; we went into the heart of the country and tore the crown from the brow of its Monarch. Mr. Burke advised the perusal of the History of foreign States; it was, he said, a fund of knowledge, infinitely more serviceable than Birth-day Odes or Addresses. The disorder with which the Sovereign was afflicted, was, he said, like a vast sea which rolled in, and at a low tide rolled back and left a bold and barren shore. Mr. Burke said, he had taken pains to make himself master of the subject, he had turned over every book upon it, and had visited the dreadful mansions, where those unfortunate beings were confined. At one of them, the capital Hospital for such persons, he saw the goodness of the provisions, the cleanness of the House, the discipline throughout, and the wonderful order by which so many persons were governed by a few. An author of great authority, Mr. Burke said, having mentioned
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the uncertainty of the symptoms of sanity, had declared, that after having been kept a month, (and the rule was, he said, at all the houses he had visited, though anxious to discharge the Patients speedily as they all were, to keep them a month after their recovery before they turned them out of the house,) they would sometimes dread the day of their departure, and relapse on the very last day, and the consequences that had followed, were of the most fatal kind. Mr. Burke read an Extract from the Volume he alluded to, which stated, that some of these unfortunate individuals after a supposed recovery, had committed parricides, others had butchered their sons, others had done violence to themselves by hanging, shooting, drowning themselves, throwing themselves out of window, and by a variety of other ways——

(The extract Mr. Burke had read being such as revolted the feelings, there was a cry of *Ob! Ob!* and one Gentleman called *Order*, when Sir *Richard Hill* said, he did not rise to speak to *Order*, but to apologize for the Right Hon. Gentleman. Sir *Richard* was interrupted by Mr. *Grey*, who said, he wished Gentlemen would not rise to *Order* without being able to prove that any word that was disorderly had been spoken.)

Mr. *Burke* rose again, and said, he who had as low an understanding as any man, would wish to make amends by industry and application, from which alone useful knowledge was to be acquired. He declared, he wished to preserve the utmost delicacy, but delicacy, though a being of perfect symmetry and order, was only a subsidiary virtue, and ought always to give way to truth, where the case was such, that the truth was infinitely of more consequence than the delicacy. Mr. *Burke* reasoned on this idea, and instanced a variety of cases where great delicacy was *prima facie* due, and yet it was uniformly abandoned. Among others, all cases of illness in the fair sex, who were, he said, delicacy itself; and yet there occurred with them a variety of occasions, where delicacy was obliged to be sacrificed; he mentioned child-birth, and especially when the child was the Heir of a kingdom; in that case, for the sake of the succession, there was still more disregard to delicacy than in other instances. He also mentioned proceedings in the two Houses upon Divorce Bills, proceedings in the Ecclesiastical Courts, trials for rapes,

Mr. Burke.

rapes, &c. &c. In Naples they published every circumstance relative to such maladies as his Majesty laboured under, because the feelings of the world superseded delicacy. Had he not, he said, seen London almost burnt to the ground through an idle and over-scrupulous regard to delicacy? After having painted the bad effects of delicacy when misapplied, he returned to the subject, and said he had read enough to give the Committee a sense of the danger of an uncertain cure, arguing from the great disasters that had followed in private life, that it was the more necessary to take care that a sane sovereign was put in the possession of Government. He drew a picture of the King's supposed return, which he described as most happy, if really cured, but as horrible in the extreme, in its consequences, if a sudden relapse took place.

Sir Richard Hill.

Sir *Richard Hill* said, that he did not rise to call the Honourable Gentleman to Order, but rather to offer an apology for him to the House, as he really thought great allowances ought to be made for him under his high patriotic paroxysms, when his zeal was so very furious in defence of the British Constitution, that he quite forgot how much he injured his own, by his great warmth and irascibility, which he assured the Honourable Gentleman were exceedingly prejudicial to the animal œconomy; therefore, though it clearly appeared from his speech, that he had no need either of *salts* or *cream of tartar*, yet he was of opinion, that some gentle *alteratives* and *correctives* would be very serviceable to the Honourable Gentleman, in his present situation.

Sir Richard said, he had no intentions of visiting those dreadful mansions which the Honourable Member had been speaking of, though he did not desire to curb the Honourable Gentleman's curiosity, in this respect, nor did he pretend to say how long it might be needful for the Honourable Gentleman to stay there.

Having said thus much, he should only revert to what he had hinted when he first rose, viz. that as he thought the Honourable Gentleman's exalted flights called more for indulgence than for reply, he should therefore adopt the advice of good King Hezekiah concerning Rabshakeh,—“*answer him not a word.*”

Sir C. Gould

Sir *Charles Gould* declared he approved of the Regulation, as he thought it favourable to the circumstance of his Majesty's being restored

restored to his Government on his recovery. Sir Charles moved a short amendment.

Mr. Powys moved several amendments.

Mr. Powys.

Mr. Sheridan said, as the Bill stood, his Majesty's recovery would not come before Parliament at all, even if it were sitting. Mr. Sheridan reminded the House of what he had spoken before, viz. the possible case of his Majesty's recovery, and the very first act of his executive Government being a dissolution of the Parliament. He put the case also of the King's being recovered to a degree, and substituting a new form of Government without Parliament. He stated likewise that his Majesty might recover, and might not choose to appear in public, but might nominate other persons as *Custodes Regni*, to carry on the Government for him. Mr. Sheridan moved an Amendment, which he explained to be introductory to a still farther Amendment meant to be proposed afterwards, with a view to procure the object he aimed at and those that thought as he did, viz. that Parliament ought to be the medium of restoring the Government to the King on his recovery.

Mr. Sheridan.

Mr. Sheridan's Amendment tended to oblige the Privy Council to take care that the Instrument, stating his Majesty to be recovered, that was to be sent to the Lord Mayor of London, and inserted in the London Gazette, be previously laid before Parliament.

The *Chancellor of the Exchequer* objected to the Amendment, Mr. Pitt. denying that his Majesty could delegate his Authority while he remained within the Realm; there were, he said, no powers in the law of the country by which the King could appoint a person to the Royal Authority, and as to the idea that his Majesty might recover, and the very first act of his Government would be to dissolve the Parliament, it was a notion too wild and extravagant for any man seriously to entertain.

The *Attorney General* said, he did not think it possible for any Gentleman to get up and alarm them with the idea that his Majesty on his recovery could make a *Custos Regni*, or *Custodes Regni*, which of late years had been known by the more familiar name of Lords Justices, in which case every Act is done by the King in his own person. He had on a former day explained, Mr. Attorney said, that the Lord Lieutenant of Ireland was strictly speaking a *Custos Regni*,

Sir A. Macdonald.

Regni, but if the King was to set his foot in that kingdom, the Lieutenant's power would stop instantly and his patent be void. Nothing could be more clear, Mr. Attorney said, than that the King could not raise another Royal Person. A Regent, that they were then making, was a mere creature of Parliament, only thought of of late years, and to be found recognized in no more than one or two modern statues.

Mr. *Sheridan* was not satisfied and replied.

Sir A. Macdonald.

The *Attorney General* spoke again, and again explained the nature of commissions, particularly adverting to that commission they lately saw on the Woolfack in the House of Lords. The Committee divided on the Amendment.

Ayes 113. *Noes* 181.

There was some farther conversation between Mr. *Pitt*, Mr. *Sheridan*, Mr. *Grey*, Mr. *Bouverie*, and others.

At length the Clauses being gone through, the *Chancellor of the Exchequer* brought up a new Clause to enable the Regent, notwithstanding the Restrictions respecting Patent Place Offices for life, Pensions, &c. in case any of the Judges, through age or infirmity should wish to resign, to grant them pensions; another object of the Clause was to enable Parliament, if the occasion of making a Chancellor should occur, to pass an Act in this Session of Parliament to enable the Regent to grant in that case a reversion of some Patent Office, &c. to the person accepting the Seals.

Mr. Pulteney.

Mr. *Pulteney* gave notice, that on the third reading he should introduce a Clause by way of Rider, to limit the duration of the Restrictions which disables the Regent from making Peers.

Mr. Pitt.

The *Chancellor of the Exchequer* desired the Report might be received immediately, as he intended to read the Bill a third time this day.

The House having been resumed, the Report was made, and the Amendments having been twice read, and a question put on each, the Bill was ordered to be engrossed.

Thursday, February 12.

LIMITATION OF RESTRICTION OF POWER TO CREATE
PEERS.

Mr. *Pulteney* rose to move that Clause, of which he had given notice the preceding evening, viz. a Clause to limit the duration of that part of the Bill which restrained the power of the Regent in regard to the increase of Peerages. In order to explain the principles on which he thought some limitation on that Restriction necessary, Mr. *Pulteney* proceeded to call the attention of the House to the different degrees of check and controul, which the different branches of the Legislature had upon each other; a system wisely provided by the Constitution, in order to keep alive that proper jealousy, the constant attention to which, tended so effectually to the preservation of the Constitution itself. The Sovereign of the British Empire, as head of the Three Estates, had, he observed, a variety of prerogatives and functions independent of the two Houses of Parliament, and essentially necessary to the conducting the Legislative, as well as the carrying on of the Executive Government of the country; the two other branches of the Legislature in like manner possessed rights, powers, and privileges peculiar to themselves, and equally requisite for the maintenance of their independance, and the security of that independance from the encroachment of either of the other two Estates. The Crown stood connected with both Houses of Parliament in a peculiar manner, and each House possessed powers of counteracting the Crown to a reasonable degree, whenever the Crown should go beyond the constitutional limits of its prerogative. In that House, as they well knew, whenever they thought it necessary so to do, they could controul the Crown in many respects, and especially by withholding the supplies, or refusing to pass the Mutiny Bill; but if any improper use were made of their power, his Majesty might dissolve the Parliament, and send them back to their constituents. On the other hand, should the other House refuse to lend their aid in passing the Bills of Supply, there was no other means of coercing them, but by creating new Peers,

which

which had more than once restored the House to that situation in which it ought to stand. Mr. Pulteney descanted on the great utility and importance of the power of the Crown to make Peers. Had not the Crown been able to exercise that power, some important Acts would not have passed, and the union with Scotland could not not have taken place. However opinions might have differed about the Union at the time, all men who felt for the interest of both England and Scotland, had since had abundant reason to extol its wise principles, and to rejoice at its beneficial effects. The power of creating Peers, so properly lodged in the hands of the Crown for the reward of merit, and the encouragement of virtuous emulation in the service of the country, was a power that had always been exercised sparingly by the Princes who had sat upon our throne. Had not this been the case, various abuses might have crept into the conduct of Government, corruption would have been openly practised, and it might have happened that the House of Commons would have sunk to such a degree of want of respect and character, that there might not be found in it proper persons to be raised to the dignity of the Peers, and thus the Crown might be deprived of the means of resisting a faction in the House of Peers. Mr. Pulteney said, he had a great opinion of the House of Commons, but he did not therefore wish that the Crown might not have the power of dissolving Parliament. He mentioned the historical fact of the House of Commons, which in the reign of Charles I. prevailed on that Monarch to pass an Act, that they should not be subject to dissolution, and declared that he did not believe either the Monarch or the Members had any idea at the time of the mischievous consequences that followed. As he wished the power of dissolving Parliament to remain in the Crown, in like manner he never wished to see powers given to the House of Lords to resist the constitutional conduct of the Crown; they knew not what operation the power of restraining the Regent from creating Peers might have on the minds of the House of Lords. He only looked to that Clause when the other House might have an interest in opposing the repeal of the Bill. They would now tell them, no doubt, that they did not mean to abuse it, and perhaps they would tell them so truly, according to their present feelings and intentions; but there was no answering for human frailty. Ambitious men, entrusted

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with unlimited power, might grow fonder of it, in proportion to the length of time they possessed it, and at last refuse to part with it at all. Let them recollect the case of the republic of Rome, with regard to the Decemviri, who were Magistrates appointed for the purpose of carrying the laws into execution for a year. They were at first the wisest and most able citizens of the republic, and all the executive power was entrusted in their hands for twelve months. By degrees, the time they were chosen for was encreased; first one year was added, and afterwards more, till at last they grew into such importance, and had attained to such an enormous degree of absolute power, that had it not been for the misconduct of one of them, the liberties of their country had been lost for ever. They ought, therefore, to profit by past experience, and to guard against a similar danger to their own country. He would not by any means, advise the trusting so much out of their own hands, as to suffer the Restriction on the Regent from making Peers to go out of the House in the Bill without some limitation. It was objected that the Regent might abuse the power of making Peers, and make too many; but was that to be put in competition of the Lords refusing at some subsequent period to join in a repeal of the Act? There was no sort of proportion between the different degrees of danger to the Constitution. On these grounds, therefore, Mr. Pulteney said he should, as a Rider to the Bill, propose a Clause for limiting that part of the Bill which imposed Restrictions on the Regent with regard to the power of making Peers, and the time he meant to propose for that Restriction to cease and determine, was *three years*: not that he proposed that period under any idea that the Regency ought to continue the exercise of the Royal Authority under any Restrictions, so long as three years; but, because if unfortunately they should be disappointed in their present hopes of his Majesty's recovery, he thought three years the outside of the time that under any circumstances the Restrictions ought to continue. Mr. Pulteney read his Clause.

The *Chancellor of the Exchequer* said, he had listened to the Hon. Gentleman with that degree of attention, that he was always desirous to pay to every suggestion that came from so respectable a quarter. If he were right in his ideas on the subject of limitations of time in respect to any of the Restrictions imposed on the Regent,

Mr. Pitt.

gent, the danger the Hon. Gentleman wished to guard against was more in theory, than likely to be carried into practice. That a majority of the Lords would wish to continue the Resolutions, whenever it should be thought by that House proper to revise their proceedings, and alter them, as the circumstances of the case might require, and that Limitations ought to be fixed, was a proposition first started on debating the Resolution in the Committee on the State of the Nation, and it had been suggested that they ought to fix a permanent time. He had then thought, and he continued to think, that there was no ground, and that there could be no ground, for the Lords to retain that power, whenever it should be necessary to repeal it. The whole of the Bill was a temporary measure, and calculated to last only during the continuance of his Majesty's illness. They must therefore be at a loss what period of limitation to fix on, since they could not tell the precise period of his Majesty's illness. For this reason he felt objections to limit the powers of the Regent to any time at all. And another reason was, because if his Majesty's illness should unfortunately continue to any length of period, so that his recovery would become a matter of doubt; (a matter which, thank God, he had every day more and more reason to believe would not be the case) a new Regency would then be to be settled, and that undoubtedly on very different principles. However, as the time taken for the Limitation was three years, not as he conceived with any view that the Restriction in question, or any other imposed on the Regent, ought under any circumstances to continue so long, (since whether they should have the happiness to see his Majesty recover, and be capable of resuming the exercise of his Royal Authority, or not, the present system of the Regency ought to cease within that period) but with a view to name three years as the extremest time to which, in any possible consideration, any thing like a restriction could be supposed to be proper to extend; therefore in point of theory and of principle he should have no objection to the Clause.

Mr.
Browne.

Mr. *Hawkins Browne* said, he quite agreed with the Right Hon. Gentleman, and the Hon. Gentleman who had introduced the Clause. Mr. Browne stated, that he had originally expressed a desire that the Restriction from making Peers might have some Limitation; yet in the Committee he had objected to a Limitation
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that had been proposed, because that Limitation was less than two years; and though he had very great hopes that his Majesty's recovery would take place long before that period, yet he thought no limitation for a less period ought to be fixed by the Bill; being of this opinion, Mr. Browne said, he could have no objection to the Clause.

Mr. *Powys* said, that the Clause seemed to imply, that three years was, in the opinion of the House, the period that the Restrictions ought to continue. For his part he wished not to confine that Restriction with regard to the making Peers to a limited time, because he thought that no Restriction whatever ought to exist. But if there must be Restrictions on the Regent, he thought a limitation of three years too long a period; an earlier period than three years would enable Parliament to examine and reconsider the whole proceeding. With regard to their declaring, by accepting the Clause, that it was the sense of Parliament that the Restrictions ought to continue for three years, Mr. *Powys* desired to enter his protest against it; he would accede to no such implied opinion.

Sir *James Johnstone* said, after a Peer was once created, he was as independent the first day as he was the last; therefore, although he suspected almost every body, he did not suspect the House of Peers. He was of opinion, however, that if the Restriction had been unlimited, there might, at one time or another, be a combination between the other House and that against the Crown, and therefore he was happy that his Hon. Friend had agreed when the Restriction should cease.

The Clause was read, and Mr. *Pulteney* moved, that the words "three years" be inserted in the blank.

Mr. *Sheridan* said, he was exactly of the same opinion on the subject with his Hon. Friend, with respect of the probability of the Lords refusing to open the door to their House, if, by passing the Bill without any limitation of the duration of the Restriction, in regard to the Regent's power to make Peerages, they suffered the power to pass out of their hands, and the door of the House of Lords to be once shut. Mr. *Sheridan* declared, he was surprized at what the Right Hon. Gentleman had said of the idea of the improbability of the Lords ever wishing to continue the power, when they once got it into their possession. The Right Hon.

Gentleman seemed to have forgot that they had gone throughout the whole of their proceedings, not on probable dangers, but on possible dangers, and every danger that was morally possible to happen had been most studiously and cautiously guarded against. That such an idea as the Right Hon. Gentleman had stated was implied by Parliament, was not, Mr. Sheridan thought, to be tolerated; the Right Hon. Gentleman, and the Gentleman behind him, seemed to have adopted a principle that might be extended for seven years as well as three, and therefore not chusing to lend his sanction to the principle, that the executive power ought to continue maimed and crippled by useless and harsh Restrictions for three years, he should move to leave out the words "three years," and that the words "one year" be inserted in the blank.

Mr. Pitt.

The *Chancellor of the Exchequer* said, the Hon. Gentleman who spoke last seemed to have done him more justice than the Hon. Gentleman who spoke near him, because he had expressly stated, that as they could not fix the precise period of the duration of his Majesty's illness, he would agree to three years as a period the most extreme and distant that could be taken, but that if his Majesty should not recover soon, the Restrictions ought to cease within the period proposed; and the Hon. and respectable Member who had introduced it, had expressly stated a similar sentiment: how then could it be considered, that adopting the words "three years" to fill up the blank, under the construction that had been laid down, was making Parliament declare, that its opinion was that the Restrictions ought to last for three years? With regard to the Amendment proposed, would not the Hon. Gentleman, by what he was doing, defeat his own purpose? The Hon. Gentleman had said, he moved an earlier day, that it might not appear to be the opinion of Parliament, that Parliament thought the Restrictions ought to continue three years: he should think the Hon. Gentleman would serve his purpose better by withdrawing his Amendment, and letting the original Motion be put. If, however, the Hon. Gentleman should persist in his Amendment, the *Chancellor of the Exchequer* said, he should certainly give that Amendment his negative.

Mr. Sheridan.

Mr. *Sheridan* said, if the Motion for filling the blank with the words "three years" were carried, the Right Hon. Gentleman had

had declared, that it would appear that it was not the opinion of the House that the Restriction should continue for three years; that was, Mr. Sheridan said, the most extraordinary opinion he had ever heard, and therefore he should certainly persist in his Amendment.

Mr. *H. Browne* thought the Hon. Gentleman had misapprehended him; he did not say he thought the Restrictions ought to last three years; he should have no objection to have had the blank filled up with the words "two years," if it should be approved; he nevertheless thought three years a very good time. Mr. H. Browne.

Mr. *Powys* said, if the Chancellor of the Exchequer would have had the goodness to have attended to his words, he would not have mistaken him. He had not stated that the opinion of Gentlemen should be recorded, but that the Clause would be recorded with the limitation of three years in it; and, parliamentarily speaking, the inference from the words of the Bill would be, that it was the opinion of the House that the Restrictions should continue for three years. From what he heard every day, Mr. *Powys* said, he hoped the necessity for the Bill altogether would be of much less time than even one year. Mr. Powys.

The Question was put, and the Clause filled up with the words "three years" agreed to, and ordered to stand part of the Bill.

Mr. *Sheridan* said, he wished to propose an Amendment in the body of the Bill. He would ask a question of the learned Gentleman whom he saw opposite to him, the answer given to which would shew whether the Amendment was necessary or not. His Majesty had a power to grant a Commission for opening Parliament; he desired to know whether the King had not power to invest those Commissioners with full regal authorities. He found from the Precedents with which they had been furnished, that in the case of Henry VI. when the Duke of York was appointed to exercise the Royal Authority in Parliament, it might be done. What he wished to know then, was, whether the King could do the same thing by a general Commission, or whether, as in the case of Lord Hardwicke, in the year 1754, he must issue a second Commission to give the Royal Assent to any Bill, or Bills? Mr. Sheridan.

The *Master of the Rolls* said, if the Hon. Gentleman meant to enquire whether the King could delegate the whole of his authority Mr. P. Arden.

by one Commission, he thought he could not do so; that was, he could not, for instance, make his Attorney General King. To make any man King by Attorney was a power that the King of England did not possess. With regard to the Commissions issued in Henry the Sixth's reign in the cases of the Duke of Gloucester in the commencement, and the Duke of York in a subsequent period; in both these cases the Commissions issued under the Great Seal, and were confirmed by Parliament. The Master of the Rolls pointed out the difference between such a Commission, and Commissions issued by the Royal Authority.

Mr. Sheridan.

Mr. *Sheridan* thanked the learned Gentleman for answering him in part, but he had reasoned rather than answered him entirely. Mr. Sheridan proceeded to put his case again, and maintained, that the Commission appointing the Duke of Gloucester to hold the Parliament, and give the Royal Assent to Bills, was a case in point. The King was then a minor, incapable of acting for himself, as our King was at present incapable, though from another cause. Was there not in the King a power not only to issue a Commission investing Commissioners with authority to open Parliament, but to give the Royal Assent to a Bill, and to act in every instance with the Royal Authority?

Mr. Macdonald.

The *Attorney General* said, he would answer the Hon. Gentleman in three words—*the King cannot*.

A kind of question and answer conversation continued for some minutes, Mr. *Sheridan* persisting that he used sound reasoning, and the *Master of the Rolls* and the *Attorney General* adhering to their doctrine, that a King of England had no power to delegate his whole authority.

At length the conversation was put an end to from the Chair, as disorderly.

U N I F O R M I T Y C L A U S E .

Mr. W. Smith.

Mr. *William Smith* rose to move an Amendment in the Uniformity Clause. Mr. Smith stated the harsh, illiberal, severe, and unjust penalties to which the Protestant Dissenters, among a variety of descriptions of sects, differing from the established church, were liable by the Statute of Charles the Second. The chief of these penalties he said were, and had long been deemed obsolete,

but

but they had never been formally repealed; the Protestant Dissenters lay, therefore, at the mercy of every informer. Mr. Smith stated some of these penalties and disabilities, one of which was, that a Papist should not practice the art of an apothecary in the city of London under a heavy penalty. Mr. Smith said, surely such a disability ought not remain on the Statute book! He mentioned several others, and at length stated his Amendment, the object of which was no more than to prevent any new difficulty being placed by the Regency Bill, in the way of the repeal of the Test Act, if application should be made for such a repeal hereafter. It might possibly, he said, be asked, why he had not proposed the Amendment in the Committee the preceding evening? He had been ready to do it, he said, but those who would have felt it their duty to object to it, if they found it objectionable, had wished for a proper opportunity of reading the Act of Uniformity, in order to see if any part of that Statute would be trenched upon by the Amendment. Those persons, he understood, had since read that Statute, and had found that the Amendment was perfectly free from objection on any such ground.

Mr. *Smith* moved the Amendment and Lord *Belgrave* seconded it.

The *Master of the Rolls* wished the Amendment had been opened the preceding evening, and not moved thus, on a sudden, and at the very moment before the Bill passed. It was true, Sir Richard said, that there were, in the Statute of Charles the Second, many severe penalties and unjust disabilities, several of which had been since repealed by the Act of Toleration in favour of the Protestant Dissenters, and he thought there were others remaining that ought to be repealed; but then, it ought to be done regularly, directly, and avowedly. At a fit time he should have no objection to assist in framing a proper Bill of Repeal. Sir Richard stated, that King William took an oath, that he'd preserve the establishment of the Church of England, and he was called upon by the Church of Scotland to give a security, that their establishment also should not be touched. The whole establishment of the Church was in the Act, and, therefore, he must object to the Amendment *in toto*. He dared not meddle with it.

Mr. Smith. Mr. *Smith* spoke again in favour of the Amendment, and said, he was willing to alter the wording of it, so as to remove objections. Mr. Smith said, there remained on the Statute book penalties and provisions, that strongly partook of the spirit of persecution. He stated in particular, the penalties against persons convicted of having spoken in degradation of the Book of Common Prayer, the penalty on the first conviction was ten pounds, and if convicted a third time, the punishment was a forfeiture of goods and chattels, and imprisonment for life.

Mr. Pitt. The *Chancellor of the Exchequer* said, he did not think the subject required the warmth that seemed likely to be applied to it. Mr. Pitt professed himself to be a zealous and firm friend to the established Church of England, and stated, that the object of the Honourable Gentleman lay in a narrow compass. He proceeded to describe it, and to mention the general heads of the Act of Uniformity. He also stated, that at the Reformation, their ancestors had not quite purged their Liturgies (of which there had been two or three different ones) from the superstition of the Romish Church. The offences created by the different states were, he said, indefinite; but the punishment was definite, and to a great extent. He mentioned several, and seemed a friend to the motion.

Sir George Howard. Sir *George Howard* thought the Amendment proposed out of place, and that no alteration of Acts of so important and serious a nature, ought to be done by a side wind.

Mr. Martin. Mr. *Martin* desired to give his thanks to the Master of the Rolls, for having promised the Protestant Dissenters his assistance in preparing a Bill to repeal some of the existing penalties and disabilities against them on account of their religious opinions.

Mr. H. Browne. Mr. *H. Browne* did not think the Amendment would do any good whatever; on the contrary it might occasion a clamour among the people, who might think they had taken up the subject superficially. He, therefore, thought the Regency Bill should follow former Regency Bills in those points.

Mr. Addington. Mr. *Addington* declared, he was extremely anxious, that the Amendment should not be pressed to a division, as it did not come on regularly, and might injure the cause it was intended to serve.

Lord Belgrave. Lord *Belgrave* having seconded the Motion, said a few words in justification of his having done so.

Mr.

Mr. *Smith* said, as he perceived there was no desire in the House Mr. Smith. for a division, he should not press the motion then, especially as another means of answering the same end had been proposed. But Mr. Smith could not admit that it was any argument to say, that because the Uniformity Clause had stood in three former Regency Bills, exactly as it did in the present Bill, therefore it ought to remain unaltered; upon that principle, an inexpedient provision would be multiplied *ad infinitum*, and repeated in every Bill that would justify its insertion to the end of time. The Motion was withdrawn.

Mr. *Alderman Newnham* said, it would shew a want of spirit in Mr. Newnham if he did not oppose the whole Bill, excepting only that part^{ham.} of it which declared, that the Prince of Wales should be Regent. The Alderman said, he thought the Provisions of the Bill disgraceful to the honour of his Royal Highness. The Alderman spoke of the virtues of the Prince, and said, he had been called to account the other day, because he had mentioned an act of his Royal Highness's benevolence; and an Hon. and learned Gentleman had complained of the ostentatious parade of the Prince's charity, and asked if he had stated the fact with the knowledge of his Royal Highness? The Alderman said, he was at the time mentioning an act of public bounty, not an act of private charity of that kind, where the right hand ought not to know what the left hand did; he had besides used it as an argument against their locking up money from the Prince as they did by that Bill. The Alderman said, the Restrictions against making Peerages, were limited to too long a time; and the reserving the Household was the most absurd thing that could be imagined. For what did they do by it? they gave splendour where it could not be seen, and took it away, where it was necessary to be exhibited. In fact, they gave the King what could not make him rich, and took from the Prince what made him poor indeed. The Alderman condemned the Resumption Clause, and said, he hoped, when his Majesty did come forward to re-assume the exercise of his Royal Authority, which he heartily wished he might soon do, he would come forward in a manner free from suspicion, and the minds of the people would be cleared.

Mr. Watson Mr. *Alderman Watson* gave his explicit approbation to the Bill itself, and to the various Clauses of the Bill, because they were consistent with his conviction, and that of his constituents. Mr. Watson took notice of an expression which had, he said, called that distinguished class of men, the merchants, traders, and bankers of London, *paupers*; at the time that the expression was used, the Alderman said, he was in a situation which rendered it impossible for him to take notice of it, without violating the forms and orders of the House [in the Chair of the Committee.] The Alderman took notice, also, of another expression which had fallen from another Hon. Gentleman, who had just left his place, [Mr. Powys.] That Hon. Gentleman would not have dared to have said those words had he been at liberty to have answered him. He did not chuse to call for the protection of the House at the time, because he was conscious he could protect himself. The Hon. Gentleman had said, that he must submit to the *Commands* of the Right Hon. Gentleman. *Commands!* The Hon. Gentleman had no Commands but what were right.

Mr. Sheridan. Mr. *Sheridan* said, the worthy Alderman had inverted the old rule, and had proceeded to panegyrize the present and traduce the absent. Mr. Sheridan defended his two Honourable Friends from the worthy Magistrate's charges, both of which, he said, were founded in misapprehension; he explained, that when Mr. Powys had talked of *submitting to the Right Hon. Gentleman's commands*, he had himself addressed those words to the Right Hon. Gentleman, who happened to rise at the same time, and persisted in his resolution to speak first with some degree of haughtiness. With regard to the word *paupers*, his other Right Hon. Friend could not have said so foolish a thing, as such an expression would have been, when applied to the merchants, traders, and bankers of London. Mr. Sheridan, after these explanations, went again into the question that he had before put to the lawyers, grounding his second application, upon a Clause which he moved, the object of which was, to restrain his Majesty from granting any general commission, investing the Commissioners with powers to open a Parliament, to give the Royal Assent to Bills, &c. &c.

Colonel
Phipps.

Colonel *Phipps* said, there needed not all the wisdom and knowledge to be gleaned from the learned dialogue, that the House had
heard

heard between Doctor and Student, to furnish an answer to the Hon. Gentleman's Clause; he could not give his Honourable Friend a reason why his Clause ought not to stand, in three words, but, he believed, he could do it in a very few sentences. The Colonel said, in the first place no Clause could possibly be received contrary to the general purview of a Bill, as expressed in the Preamble. If the Hon. Gentleman would look to the Preamble, he would not find a single word about placing Restrictions on his Majesty's exercise of his Royal Authority, when he had an undoubted right to exercise it. The Honourable Gentleman reminded him of what he had often seen done by Gentlemen on that side of the House. It was customary with the Honourable Gentleman to cast personal motives on them, for things never intended, and afterwards to be themselves the persons to introduce most mischievous propositions. If it were necessary the Colonel said, to restrain the power of the Crown, let it be done after his Majesty's recovery, not while he is lying on his bed of sickness.

Mr. *Sheridan* replied, and brought on the discussion of the ques- Mr. Sheri-
tion of Law; Colonel *Phipps*, the *Attorney General*, the *Master of* dan.
the Rolls, and the *Chancellor of the Exchequer* took part in it. Some
allusions having been made to what was said in the other House in
the course of the conversation, Mr. Martin complained of the ex-
tent of disorder that House had of late been going into; gentlemen,
he said, were repeatedly referring to what had passed in former de-
bates, and to allusions to what was said in the House of Lords, a
practice totally in defiance of the wisest and most established orders
of the House. Mr. Martin earnestly intreated the Speaker to exert
the authority of the Chair in future, to check and prevent the
growth of an evil, which, if not put a stop to, would throw their
proceedings into great confusion.

The SPEAKER thanked the Hon. Gentleman for having remind- The Speak-
ed the House and him, of a practice that he had seen resorted to er.
but too often, with the greatest concern. The Speaker declared he
was conscious that to watch and prevent such breaches of Order
was, he well knew, one of the most essential and most important du-
ties of every person, on whom the House had conferred the honour
of placing them in the situation in which they had lately done him
the honour to place him, and he could assure the House, that if they
would

would favour him with their support, they should not, in future, find him remiss in the discharge of this necessary part of his duty.

The Question was put on Mr. Sheridan's Clause, and negatived.

Mr. Brandling.

Mr. *Brandling* said, a kind of miscellaneous conversation having taken place, he thought it his duty to his constituents to declare, that he approved of the whole of the Bill. Mr. Brandling spoke in terms of warm praise of Mr. Pitt's conduct throughout the proceeding, and in particular of his having agitated and brought to a decision the Question of Right, a Question so important to the constitutional privileges of the two Houses of Parliament. Mr. Brandling concluded with a declaration, that so satisfied was he in his conscience with the wisdom and rectitude of the measures he had supported during the late Parliamentary discussions, that he should cheerfully submit his conduct to his constituents, and rest his hopes of their future favour on his confidence in their approbation.

Mr. Grey.

Mr. *Grey* rose to assert, what, he said, he ever would assert, as often as the subject was agitated, viz. that no right whatever to exercise the Royal Authority, independant of the Authority of Parliament, had been claimed or even asserted. His Right Hon. Friend had stated it to be his opinion, that such a right existed, but he had expressly declared, at the time, that he mentioned it merely as his private opinion, and without any authority whatever. With regard to the Hon. Gentleman's determination to justify himself to his Constituents for his conduct, in order to notify which, he had thought proper to rise at that last stage of the business to defend the Bill; the Hon. Gentleman need not have done so, since the list of voters that had been printed, might have shewn them what the Gentleman's conduct had been. The Hon. Gentleman, however, had now given no reason whatever for his having supported the Right Hon. Gentleman, unless, a panegyrick on the Right Hon. Gentleman, not so poetical indeed, as that of the worthy Alderman, but not less warm, could be called a reason.

A few words in the nature of the retort courteous passed between Mr. *Brandling* and Mr. *Grey*, who are relations, and after a short speech from Sir Charles Gould, the Bill passed, and was ordered to be carried up to the House of Lords next day.

Friday, February 20.

A D J O U R N M E N T.

The *Chancellor of the Exchequer* moved, “That the House ad- Mr. Pitt.
journ to Tuesday next.”

Before the Speaker had finished putting the Question, Mr. *Vyner* rose, and said, a Motion for adjournment to Tuesday at that period of the Session, when none of the public business was gone through, without a single reason assigned in justification of such adjournment, appeared to him to be a most extraordinary and unprecedented proceeding. He said, he had a guess at the reason for so singular a step, and if he was right in his conjecture, the reason was a most *joyous* one to that House and the Country in general, [an universal cry of *Hear! Hear!*] but he could not help wishing that they might have the satisfaction of hearing the reason stated by such high authority as the Right Hon. Gentleman, in order to enable them to communicate it to their Constituents with confidence and certainty.

No answer being given, the Question was put and the House adjourned to Tuesday.

Monday, March 2.

The *Chancellor of the Exchequer* said, the late interruptions of Mr. Pitt. public business, as they well knew, had been occasioned by the happy circumstance of his Majesty's recovery. In order, therefore, to allow as much time to confirm that recovery, as the state of public affairs would admit, he meant to propose a short adjournment, to which he hoped there would be no objection; and therefore, with leave of the House, he would move, that, at their rising, the House do adjourn to Thursday next.

This motion was agreed to *nem. con.* and the House adjourned to Thursday.

Thursday,

Thursday, March 5.

Mr. Pitt.

The *Chancellor of the Exchequer* said, the present happy situation of his Majesty's Health, enabled him to acquaint the House, that he hoped to have the satisfaction of making a Communication to them immediately from his Majesty, on Tuesday next. He therefore moved, "that the House, at its rising, adjourn to Tuesday." Agreed to *nem. con.*

Tuesday, March 10.

HIS MAJESTY'S RESUMPTION OF THE PERSONAL EXERCISE OF HIS ROYAL AUTHORITY.

Sir Francis Molyneux, Bart. Gentleman Usher of the Black Rod, having tapped three times at the door of the House, and being admitted, having informed the Speaker that the Lords Commissioners appointed by his Majesty to open certain farther causes for the holding the Parliament opened by a former Commission, desired the attendance of that Honourable House in the House of Lords, to hear the said new Commission read, the House, with their Speaker, attended at the Bar of the House of Lords accordingly.

As soon as the Speaker returned, he informed the House, that a speech had been made by the Lord Chancellor, a copy of which he had obtained, in order to prevent mistakes, and which he would read accordingly. Having distinctly read the Speech from the Chair,

Ld. Gower.

Lord Gower rose and said, he was so conscious of his inability to speak in a public assembly, that had it not been for the joy and happiness of the occasion, he could not have ventured to trouble the House; but as the joy of the present occasion was a joy not only felt by that and the other House of Parliament, but by every subject of his Majesty, he was under no embarrassment in rising to congratulate the country on the happy circumstance of his Majesty's recovery. They had, his Lordship observed, for five months, been in the state of an interregnum, from which they were now most fortunately relieved. Their late melancholy situation and the
present

present joyous occasion might be compared to those of a ship which had been dismasted by a sudden storm, but having its rudder sound and entire, by sailing right forward had happily got into harbour. He therefore congratulated his fellow subjects on the pleasing prospect of continuing to live under the happiest and the best of Governments. With regard to the other topics alluded to in the Speech, weighty and important as they were, considered with a view to their connexion with the great interests of the country, they appeared to him to be light and trivial compared to the joy of the present occasion, and therefore he would not detain the House by insisting upon any one of them; he would content himself with moving an humble Address to his Majesty, in answer to his most gracious Speech. The Address, as usual, echoed back the several parts of the Speech in very pointed and emphatic language.

Mr. Yorke, in a speech of great neatness, and replete with many graceful terms of expression, rose to second the Address moved by the noble Lord. Mr. Yorke began with apologizing for his incompetency to do justice to any subject, which required the exertion of great parliamentary talents, and declared, that had such been the case at present, he certainly should not have presumed to have intruded himself upon the House; but the fact being different, the apprehensions he might otherwise have entertained, were, he owned, considerably diminished. Called upon, as they were, to vote an Address to his Majesty, on his recovery from a severe indisposition, which had impressed his subjects with the most melancholy sensations, every man must feel the sincerest joy, and the most heartfelt satisfaction. He was unwilling, he said, to allude to any thing that had passed in former debates, that would revive any difference of opinion, or tend to prevent that unanimity which ought, in his judgment, to distinguish the vote of the House on that day; but he trusted that he should not be accused of any disposition to disturb the harmony that every man must wish should prevail on such an occasion, by reminding the House, that they had reason to congratulate themselves on their having proceeded with more caution than expedition, and on the steady and zealous attention which they had uniformly shewn, equally to maintain the dignity of the Crown, and to preserve the Rights of the People.

It

It must also, he said, be a great source of joy and exultation to them, to find that his Majesty was able, on his return to the exercise of the duties of his office, not only to approve, but likewise to applaud their proceedings. After pointing out other grounds of satisfaction arising from the circumstances of the moment, Mr. Yorke said, he would in as few words as possible touch upon the other topics alluded to in his Majesty's Speech. It was, he thought, an auspicious circumstance, that the Speech which announced his Majesty's happy recovery, should be the first also to make mention of a most important foreign alliance. Nothing on the subject of popular alliances had, he believed, for some years, been stated in a Speech from the Throne; not that he meant to impute any blame on that account to the immediate predecessors in office of the Right Hon. Gentleman below him, or to any Ministers during any part of the period to which he alluded, but merely to observe that the alliance with the King of Prussia, as well as the present flourishing state of our commerce and credit, was in his opinion a proof not only of the wisdom and talents of his Right Hon. Friend, but of the confidence that was reposed in him by foreign nations, as well as by the people of this country. After expatiating for a moment or two on the promising prospect to be drawn from this circumstance, Mr. Yorke said, he hoped that no objection would be made to that part of the Speech which he had just mentioned; and his reason for hoping it was, that when the Right Hon. Gentleman, whom he then saw in his place, had applauded the measures of his Majesty's Ministers respecting Holland, the Right Hon. Gentleman had expressly stated, that he approved of those measures, under the expectation that his Majesty's Ministers would not rest there, but would follow up the Restoration of the Prince of Orange to his authority with such alliances with other foreign powers, as should best conduce to strengthen and promote the interests of Great-Britain. Mr. Yorke declared the Address had his entire approbation, because he thought no language could be too strong to express their sense of his Majesty's disposition on every occasion to manifest his regard to the Constitution, and to promote the happiness and prosperity of his people.

As soon as the Address had been read from the Chair,

Mr. Fox rose, not, he said, to prevent the unanimous vote of the Mr. Fox. House, nor for the purpose of disturbing, in any degree, the harmony that every Gentleman must wish would prevail on the present joyful occasion. He declared, he trusted and hoped that the Address would be carried with unanimity, and that it would pass *nemine contradicente*, but he could not help observing, that the Hon. Gentleman who spoke last, seemed to have studied and taken considerable pains to prevent, if it were possible, that unanimity and harmony so generally to be desired on such an occasion as that was, and to create a difference of opinion. He saw nothing in his Majesty's Speech that was liable to objection, nor was there any part of the Address that was liable to objection. He had listened to the noble Lord who moved the Address with great attention, and he had never listened to a Mover of an Address with more satisfaction. The noble Lord had not only moved it with great ability, but, if he would allow him to say so, in a manner that did more honour to his heart than to his head. The noble Lord had moved it like a man of understanding, because he had expressed the feelings of a man, and the feelings of a loyal and faithful subject to his Sovereign. He had moved the Address with as much elegance as he had ever witnessed, and, in his mind, with as much judgment. The noble Lord had judiciously passed over the other topics stated in the speech, because undoubtedly every man must feel that his Majesty's recovery was so far the paramount topic, that every other, weighty and important as they were in themselves, appeared light and trivial in comparison to it, as the noble Lord had well hinted. The Hon. Gentleman, on the other hand, who had seconded the Address, had thought proper to mingle with the congratulations of that House, on the happy recovery of the Sovereign, praise and panegyric on the personal conduct of the King's Minister. On such a day as that, at least, Mr. Fox said, he conceived the Right Hon. Gentleman might have been kept in the back ground by his friends, in order to let his Majesty stand forward as the only prominent figure in the picture. With regard to the expressions of applause bestowed on Parliament by his Majesty, he had no objection to them, because he thought it the sort of language which it were always to be wished his Majesty should

should hold to his Parliament; but he had never understood, that it was either fit or constitutional to consider such applause, as applying to the conduct of his Majesty's Ministers, in the particular manner in which the Honourable Gentleman, who seconded the Address, had chosen to consider it. The Right Hon. Gentleman, he should suppose, did not himself so understand it; and the reason why the Right Hon. Gentleman, he presumed, did not so understand it was, because looking upon the present Speech from his Majesty, as he did upon all other Speeches from the Throne, as the Speech of the Minister, the Right Hon. Gentleman, he conceived, would not say that a Minister ought to take advantage of such a vehicle, and by that means praise his own measures a second or a third time. He did not besides believe his Majesty meant to signify any such opinion of the late proceedings as the Hon. Gentleman had intimated, and he would fairly tell the Hon. Gentleman why he did not think it possible for his Majesty to have given any such opinion. It fell to his lot to know from authority, that those who alone could inform his Majesty of the reasons and grounds of the different opinions and doctrines that had been formed and maintained, had not had an opportunity of giving his Majesty any such information, and he knew his Majesty's sense of duty, and regard to justice, too well, to believe, that without any explanation on the subject, his Majesty would decide his opinion. Mr. Fox said, notwithstanding the pains the Hon. Gentleman had obviously taken to effect such a purpose, the Hon. Gentleman should not prevent him from voting for the Address, and he would farther tell the Right Hon. Gentleman, that it was not only unparliamentary and unconstitutional, but disloyal in the highest degree to his Majesty to assert, that those who differ in opinion from his Majesty's Ministers, and oppose their measures, may not be as sincerely attached to the Sovereign, as any other description of his subjects whatever. [Mr. Pitt, and most of the Gentlemen on the other side, nodded their approbation of this doctrine.] With respect to the alliance with the King of Prussia, and the other topics treated of in the Speech, Mr. Fox declared he would not then say one word, because there would be time enough to speak of foreign alliances and every other part of the Speech on a future day.

The Address was agreed to *nemine contradicente*.

The Marquis of *Graham* said, there appeared to him to be but ^{Marquis of Graham.} one more step necessary for the House to take that day, in order to make their proceeding complete, and that was to vote a Message to her Majesty, congratulating her on the recovery of the King. His Lordship urged the interest her Majesty had in the King's recovery, and declared her conduct, during his Majesty's illness, had been so exemplary, and so amiable, that it had excited the admiration not only of his Majesty's subjects, but of all Europe. After expatiating on her Majesty's virtues, his Lordship moved an Address of congratulation to the Queen.

The Address was seconded by Mr. *Hamilton*.

Mr. *Fox* said, he did not feel any great objection to the motion, ^{Mr. Fox.} otherwise than that he believed it to be perfectly unusual. He reminded the House, that when, on a former occasion, an attempt was made on his Majesty's person, that had alarmed the whole nation very much, and drawn forth Addresses from both Houses of Parliament, and all parts of the country, no Address to the Queen had been thought of, though her Majesty was undoubtedly as much interested on that occasion as on the present. He did not, therefore, know upon what principle it was, that they were now to address the Queen, that would not extend much further. This he would venture to say, that if all Europe had admired the Queen's conduct during his Majesty's illness, there was another person whose conduct all Europe had also admired, and whose character by that conduct had been illustrated, and had acquired additional splendour and dignity in the eyes of all mankind. If her Majesty was to be addressed, he saw no reason why the Prince of Wales ought not to be addressed.

The *Chancellor of the Exchequer* said, if he understood the Right Mr. Pitt, Hon. Gentleman correctly, he did not really object to the Address, but only doubted whether it was not unusual to address the Queen on his Majesty's recovery. He apprehended that the Address, then moved, was made to the Queen, because there were Precedents for such an Address on their Journals, and none for Addresses on such occasions to any other branches of the Royal Family. Had there been any Precedents, he saw no reason why an Address should not be voted to the Prince of Wales, but there

were none such. He mentioned the Precedent in the Reign of Queen Anne, when Prince George of Denmark had been dangerously ill, and upon his recovery, that House addressed the Queen.

The Address to her Majesty was agreed to.

The humble Address of the House of Commons to the King.

“ *Most Gracious Sovereign,*

“ WE your Majesty’s most dutiful and loyal subjects, the Commons of Great Britain, in Parliament assembled, beg leave to return your Majesty our humble thanks for the Speech which has been delivered by your Majesty’s command to both Houses of Parliament; and to congratulate your Majesty on the happy event of your Majesty’s recovery from your late indisposition, and on your being enabled to attend to the public affairs of your Kingdoms.

“ We acknowledge, with the most heartfelt joy and gratitude, the goodness of Almighty God in restoring your Majesty to the wishes and prayers of your faithful subjects; and earnestly hope that your Majesty may long continue to rule over an affectionate and grateful people.

“ Permit us to lay before your Majesty our dutiful acknowledgements of the favourable sense which your Majesty entertains of our affectionate attachment to your Majesty’s person, and of our concern for the honour and interest of your Crown, and the security and good government of your dominions.

“ It will be our constant endeavour to merit your Majesty’s good opinion, by labouring to promote the happiness of your people; and we will apply ourselves, with as little delay as possible, to the different objects of national concern which require our attention.

“ We beseech your Majesty to accept our humble thanks for being graciously pleased to order a copy of the treaty of defensive alliance between your Majesty and the King of Prussia to be laid before us, and to be assured that we are deeply sensible of your Majesty’s just regard to the interests of your subjects, and the peace of Europe, in your endeavours to prevent the extension of hostilities in the North, and your desire to effect a general pacifica-

tion

tion. We learn with great satisfaction, that your Majesty continues to receive assurances of the favourable disposition of the other Courts of Europe towards this country.

“ We shall not fail to proceed, with chearfulness and dispatch, to make the necessary provision for the several branches of the public service.

“ We should be wanting to ourselves, and to those whom we represent, if we did not testify, in the warmest manner, the gratitude with which we observe the paternal expression, of your Majesty’s regard for the happiness of your people, whose invariable sentiments of zeal, loyalty, and attachment to your Majesty are animated and confirmed by the uniform experience of your Majesty’s virtues, and by the sense of the blessings which they enjoy under your Majesty’s auspicious government.”

The *Earl of Courtoun* reported to the House, that his Majesty Earl of Courtoun. having been attended with their Address of Wednesday last, was pleased to receive the same very graciously, and to give the following answer :

Gentlemen,

“ I thank you most cordially for this loyal and dutiful Address. Your warm expressions of congratulation, and the signal proofs which I have repeatedly received of the sincere and affectionate attachment of my faithful Commons, and of the nation at large, have made an impression on my mind which no time will ever efface.”

CORRECT LISTS of the MAJORITY and MINORITY on
the Questions respecting the REGENCY. With a List of
those Members who have NOT voted on those Questions.

MAJORITY on the Questions respecting the REGENCY.

A Bercrombie, B. Esq.	Bootle, R. W. Esq.
Adams, J. Esq.	Boscawen, H. Esq.
Addington, H. Esq.	Boscawen, W. A. S.
Addington, Heley, Esq.	Bower, G. Esq.
Aldridge, J. Esq.	Bramston, T. B. Esq.
Amyatt, J. Esq.	Brandling, C. Esq.
Ann-ley, F. Esq.	Brett, C. Esq.
Apfley, Lord	Brickdale, M. Esq.
Arden, Sir R. P.	Brodie, A. Esq.
Arden, Lord	Brooke, T. Esq.
Bankes, H. Esq.	Browne, J. H. Esq.
Barclay, R. Esq.	Browne, F. J. Esq.
Baring, I. Esq.	Brudenell, G. B. Esq.
Baring, F. Esq.	Burgefs, J. B. Esq.
Barne, B. Esq.	Burton, F. Esq.
Barré, Isaac, Esq.	Call, J. Esq.
Barrington, J. Esq.	Calvert, J. Esq.
Barwell, R. Esq.	Calvert, J. jun. Esq.
Bastard, E. Esq.	Campbell, Lord F.
Bathurst, P. Esq.	Campbell, Hay, Esq.
Bayham, Lord	Carew, R. P. Esq.
Bayley, N. Esq.	Caswell, T. Esq.
Bearcroft, Edward, Esq.	Cawthorne, J. F. Esq.
Beaufoy, H. Esq.	Cecil, Henry, Esq.
Belgrave, Lord	Chaytor, W. Esq.
Berkeley, Hon. G.	Cocks, Hon. J. S.
Bellingham, W. Esq.	Colt, R. Esq.
Bishop, Sir Cecil	Cornwallis, Hon. W.
Blackburn, J. Esq.	Cotton, Sir R. S.
Bloxam, M. Esq.	Courtoun, Earl of
Bond, J. Esq.	Crickett, C. A. Esq.
Boone, C. Esq.	Cruger, H. Esq.

Crutchley, J. Esq.
 Curzon, P. A. Esq.
 Darell, L. Esq.
 Dashwood, Sir H.
 Dawes, J. Esq.
 Denham, Sir J. S.
 Devaynes, W. Esq.
 Dickens, F. Esq.
 Dimfdale, B. Esq.
 Dolben, Sir W.
 Douglass, A. Esq.
 Douglass, Sir G.
 Drake, W. sen. Esq.
 Drake, W. jun. Esq.
 Drummond, H. Esq.
 Drummond, J. Esq.
 Duncomb, H. Esq.
 Dundas, H. Esq.
 Duntze, Sir J.
 Edgecumbe, Hon. R.
 Edwin, C. Esq.
 Edmonstone, Sir A.
 Egerton, J. W. Esq.
 Egerton, W. Esq.
 Eliot, Hon. E. J.
 Eliot, Hon. J.
 Ellis, J. T. Esq.
 Estwick, Samuel, Esq.
 Euston, Earl
 Fane, Hon. H.
 Fane, Hon. T.
 Fanshaw, R. Esq.
 Fellows, W.
 Fergusson, Sir Adam
 Fife, Earl of
 Fitzroy, Lord C.
 Fleming, J. Esq.
 Flood, Rt. Hon. Henry
 Fludyer, George, Esq.

Frazer, James, Esq.
 Gammon, Richard, Esq.
 Gascoyne, Bamber, Esq.
 Gideon, Sir Sampson
 Gipps, George, Esq.
 Gilbert, T. Esq.
 Goddard, Ambrose, Esq.
 Gordon, Lord W.
 Gordon, J. Esq.
 Gough, Sir H.
 Gower, Earl
 Gower, Hon. J. L.
 Graham, Marquis of
 Grant, General
 Gregory, Mark, Esq.
 Grenville, Right Hon. W. W.
 (Speaker)
 Grigby, S. Esq.
 Grenville, Rt. Hon. James
 Grimston, Viscount
 Grimston, Hon. William
 Grosvenor, Hon. Thomas
 Hales, Sir Philip
 Halifax, Sir T.
 Hamilton, J. J. Esq.
 Hamilton, John, Esq.
 Hammet, Sir Benjamin
 Hardinge, G. Esq.
 Harley, Rt. Hon. T.
 Hawkins, C. Esq.
 Hencker, J. Esq.
 Herbert, Lord
 Hill, Sir Richard
 Hill, J. Esq.
 Hinchinbrook, Viscount
 Hobart, Hon. Henry
 Hobart, R. Esq.
 Hopkins, B. B. Esq.

Houghton,

- Houghton, Sir Henry
 Home, Patrick, Esq.
 Honynood, Sir John
 Hood, Sir Alexander
 Hopkins, Richard, Esq.
 Howard, Sir George, K. B.
 Howard, Hon. R.
 Hungerford, J. P. Esq.
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R E P O R T

FROM THE

C O M M I T T E E

APPOINTED TO

EXAMINE THE PHYSICIANS

WHO HAVE ATTENDED

H I S M A J E S T Y,

DURING HIS ILLNESS,

Touching the State of His Majesty's Health.

L O N D O N :

PRINTED FOR J. STOCKDALE, OPPOSITE BURLINGTON-HOUSE,
PICCADILLY. 1778.

R E P O R T

LONDON

COMMITTEE

APPOINTED

TO EXAMINE THE PHYSICIAN

WHO WAS ATTEMPTED

MISS MARY ESTY

DURING HIS ILLNESS

Touching the State of His Majesty's Health

LONDON

PRINTED BY J. JOHNSON, STATIONER, &c. &c. &c.

1793

R E P O R T.

The Committee appointed to examine the Physicians who have attended his Majesty, during his illness, touching the state of His Majesty's health ; and to report such examination to the House ;

HAVE, pursuant to the order of the House, proceeded to examine the said Physicians ; which examination is as follows :

Doct^r RICHARD WARREN called in, and examined.

Whether, in his opinion, the state of His Majesty's health is, or is not, such as to render his Majesty incapable, either of coming to Parliament, or of attending to public business?

His Majesty's state of health is such as to render him incapable of coming to Parliament, or attending public business.

What hopes has Dr. Warren of His Majesty's recovery?

The hopes of His Majesty's recovery must depend on the probability of cure ; and that can only be judged of by what has happened to others in similar cases ; and, as the majority of others have recovered, there is a probability that His Majesty may recover likewise.

Can Dr. Warren form any judgment, or probable conjecture, of the time which His Majesty's illness is likely to last?—No.

What degree of experience has Dr. Warren had of the particular species of disorder with which His Majesty is afflicted?

In the course of 27 or 28 years practice I have seen many persons disordered in a manner similar to that of His Majesty; some have soon recovered under my sole care; when that has not happened, I have always called in the persons who make this branch of medicine their particular study, and have sometimes attended in conjunction with them, but have oftener left the patients to their care, and have afterwards attended in consultation only, and in many cases not at all.

Whether, when Dr. Warren speaks of others in similar cases to that of His Majesty, he means to include all the different species of the disorder, or to confine himself to that particular species with which His Majesty is afflicted?

I do not mean to confine myself to that particular species with which His Majesty is afflicted, but to include all the different species of the disorder.

Can Dr. Warren state how many particular species there are of this disorder?—No.

Can he state any distinct species of the disorder?

Yes—though the immediate causes of this disorder cannot be ascertained, yet some of the remote ones are well known. Injuries received from blows or falls—sudden affections of the mind—the effect of fever. Besides these, there are several internal causes of this disorder; namely, exostoses, indurations, and ill-conformation of the parts.

Whether this disorder may not sometimes exist, when it cannot be referred to any of those causes which Dr. Warren has specified?—Yes.

Is His Majesty's disorder, in your opinion, referrible to any of the causes enumerated by you, or can you assign any known cause to which, in your judgement, it is referrible?

I cannot assign His Majesty's malady to any cause whatever, as I have not data sufficient to ground an answer upon.

In those species of the disorder, which are not referrible to any assignable cause, is the probability of cure greater or less than the probability estimated on all the species taken together?—I cannot tell.

Can Dr. Warren state what the comparative probability is, in each of the causes which he has assigned?

The disorder proceeding from external injuries, such as blows, is frequently cured if medicine be expeditiously applied. When the malady arises from sudden affections of the mind, it is very frequently cured—when from the effect of fever,

fever, it is oftener cured than when from any other cause. When the malady proceeds from the internal causes mentioned above, no good can be done by medicine.

Can Dr. Warren state what proportion, of the whole number of persons afflicted with this malady, have been so, owing to each of the causes he has enumerated, and what proportion, where it can be referred to no assignable cause? I cannot state any precise proportion; but, out of a great number, there are very few cases where it is possible to ascertain that it proceeds from any assignable cause.

Is there any one of the particular causes enumerated, to which Dr. Warren can say, that the disorder with which His Majesty is afflicted is not to be referred?

I do not think His Majesty's disorder appears to proceed from any one of the causes enumerated by me.

Can Dr. Warren say with certainty, whether His Majesty's disorder may, or may not, have proceeded from injury by blows or falls?—I cannot.

Can Dr. Warren say with certainty, whether His Majesty's disorder may, or may not, have proceeded from sudden affections of the mind?—I cannot.

Can Dr. Warren say with certainty, whether His Majesty's disorder may, or may not, have been the effect of fever?

I can say with certainty it has not.

Can Dr. Warren say with certainty, whether His Majesty's disorder may, or may not, have proceeded from any of the internal causes he has mentioned?—I cannot.

Whether, in those species of the disorder which cannot be referred to any assignable cause, the probability of cure may not be various in different cases, according to the symptoms of the particular case, or the apparent degree of the disorder?—I think not, unless signs of convalescence are coming on.

Whether the knowledge of the remote cause is of assistance towards promoting the cure?

In many cases I think it is, but sometimes not.

Whether, in his Majesty's disorder, Dr. Warren sees any present signs of convalescence?—No.

Whether every cure, in the same person, of a disorder which has returned, is included in the calculations of the whole number of cures?

I consider every case that comes as a new case, and have included them in that calculation; but I believe that, excluding them, the majority still are cured.

Whether, of those persons whose disorder cannot be referred to any assignable cause, the greater number have, or have not, been cured?

I cannot answer that with accuracy.

Has the greater number of men, that have been afflicted with this disorder, recovered?—Yes.

Has the greater number of persons recovered, whose disorder has lasted, without signs of convalescence, as long as that of his Majesty has already done?—Yes.

[Withdraws.]

Sir GEORGE BAKER called in, and examined.

Whether, in your opinion, the state of His Majesty's health is, or is not, such as to render His Majesty incapable, either of coming to Parliament, or of attending to public business?

I think that the state of His Majesty's health is such, as renders him incapable of coming to Parliament, or of doing any other public business?

What hopes has Sir George Baker of His Majesty's recovery?

I hope that His Majesty will recover, because I think it probable. My own experience, and the experience of other Physicians, leads me to think that His Majesty's disorder is curable.

Can Sir George Baker form any judgement, or probable conjecture, of the time which His Majesty's illness is likely to last?

I can form no judgement or conjecture as to the probable duration of His Majesty's disorder.

What degree of experience has Sir George Baker had of the particular species of disorder with which His Majesty is afflicted?

I was formerly a pupil of Dr. Batty's, who attended an hospital, where I had an opportunity of seeing many instances of this disorder.—I have likewise had private patients, from time to time, under that disorder; but whenever the disorder has been of some continuance, I have desired the assistance of physicians who particularly attended persons so disordered.

Whether Sir George Baker founds his opinion, in his answer to the second question, upon the particular symptoms

cases of His Majesty's case, or upon his experience of the disorder in general, or upon both?

Upon my experience of the disorder in general.

Whether, in His Majesty's disorder, Sir George Baker sees any present signs of convalescence?

I do not see any present signs of convalescence.

Whether Sir George Baker learns from experience, that the greater number of persons, who have been afflicted with this disorder, have recovered?

Upon general experience, the greater part have recovered.

Whether every case, in the same person, of a disorder which has returned, is included in the calculation of the whole number of cures?

I will not undertake to answer that question.

Has the greater number of men, that have been afflicted with this disorder, recovered?—I think so.

Has the greater number of persons recovered, whose disorder has lasted, without signs of convalescence, as long as that of His Majesty has already done?

Yes, I can answer that in the affirmative.

Was Sir George Baker in attendance upon His Majesty, as his physician, previous to his being afflicted with his present disorder?—Yes.

Whether Sir George Baker can assign any known cause, to which, in his judgement, His Majesty's present disorder is referrible?

I can assign no known cause to which His Majesty's present disorder is referrible.

Was the attack of His Majesty's disorder sudden or gradual?—Sudden.

When did that attack take place?

The first suspicion I had of this disorder was in the evening of Wednesday the 22d of October last.

Whether any fever, or other complaint, had preceded that attack?

There had been fever and other complaints; but on that morning His Majesty had no fever.

Whether, in cases where the attack has been sudden, the recovery has been sudden also?

My observations on this disorder do not enable me to answer that question.

[Withdraws.]

The Reverend Doctor FRANCIS WILLIS called in,
and examined.

Whether, in his opinion, the state of His Majesty's health is, or is not, such as to render His Majesty incapable, either of coming to Parliament, or of attending to public business?—He certainly is not capable.

What hopes has Dr. Willis of His Majesty's recovery?

I have great hopes of His Majesty's recovery. If it were any other person but His Majesty, I should scarce entertain a doubt: when His Majesty reflects upon an illness of this kind, it may depress his spirits, and retard his cure more than a common person.

Can Dr. Willis form any judgement, or probable conjecture, of the time which His Majesty's illness is likely to last?—I cannot.

What degree of experience has Dr. Willis had of the particular species of disorder with which his Majesty is afflicted?

A great deal for 28 years; I imagine I have never had less than 30 patients every year of the time.

Whether Doctor Willis founds his opinion, in his answer to the second question, upon the particular symptoms of His Majesty's case, or upon his experience of the disorder in general, or upon both?—Upon both.

Whether, in His Majesty's disorder, Dr. Willis sees any present signs of convalescence?

I cannot say that I do; at the same time there is every thing leading towards it, as the irritation has, in a great measure subsided, which must precede convalescence, or any appearance of it: it must come on very gradually.

Whether Dr. Willis learns from experience, that the greater number of persons, who have been afflicted with this disorder, have recovered?

A very great majority; I do not think I should speak false, if I said nine out of ten, of those that have been put under my care, within three months after they had begun to be afflicted with the disorder.

Whether every cure in the same person, of a disorder which has returned, is included in the calculation of the whole number of cures?

If a person has been twice brought under my care, and twice cured, I reckoned two cures, as I should of a fever.

But

Has the greater number of men, that has been afflicted with this disorder, recovered?

I never calculated that; I did not think there was any difference between the two sexes as to the facility of cure.

What state of his patients does he consider as a cure?

Their being able to take upon themselves the conduct of their own affairs, and to do the same business they were used to do before they fell ill.

What is the shortest space of time within which, in his experience, he has known persons, affected as His Majesty is, restored to health?

Six weeks or two months is the shortest, I believe.

Does Dr. Willis see any thing in His Majesty's case which enables him to pronounce that His Majesty may not be restored to health within that compass of time from the commencement of his attendance on his Majesty?

I do not see any thing to enable me to pronounce that he may not.

Does Dr. Willis see any thing in His Majesty's case, which enables him to pronounce that His Majesty will be restored to health within the space of that time?—I cannot presume to say that he will.

What has been the longest space of time for which the disorder has lasted, in the case of such patients as have been brought to him within three months from the beginning of the attack, and have recovered?—A year and a half, I believe, has been the longest of such patients as have been brought to me; and few have been so long.

What is the most ordinary space of time he has found necessary for the cure of such patients?—I should think five or six months, as near as I can calculate.

How long has Dr. Willis attended His Majesty?—Since Friday morning last.

Whether, from your own observation, or from the particulars which have been communicated to you, you can assign any known cause to which, in your judgement, His Majesty's disorder is referrible?—From my own experience with regard to His Majesty, I cannot say any thing; but from a very particular detail of his mode and manner of life for twenty-seven years, I do imagine, that weighty business, severe exercise, and too great abstemiousness, and little rest, has been too much for his constitution.—It is very early to give an opinion, and I may be mistaken, but I am the more inclined to think myself right, because the medicine that
has

has been given His Majesty ever since Sunday morning, and was intended to meet and counteract those causes, has had as much effect as I could wish; and His Majesty has certainly been gradually better from the first six hours of his taking it.

Whether you have reason to believe, that the circumstances you have enumerated are frequently causes of this disorder!—I believe they are very frequently.

Where the disorder has arisen from such causes, have you frequently known it cured?—Very frequently.

Have the greater number of those cases been cured or not?—Certainly. I believe they are more easily to be cured, than where the disorder proceeds from excessive drinking, or other intemperance, or some other causes.

[Withdraws.]

Doctor THOMAS GISBORNE called in and examined.

Whether, in his opinion, the state of His Majesty's health is, or is not, such as to render His Majesty incapable of coming to Parliament, or of attending to public business?—I think he is absolutely incapable.

What hopes has Dr. Gisborne of His Majesty's recovery?—I think there are hopes.

Can Dr. Gisborne form any judgment, or probable conjecture, of the time which His Majesty's illness is likely to last?—I think that is impossible.

What degree of experience has Dr. Gisborne had of the particular species of disorder with which His Majesty is afflicted?—Not much particular experience. I have seen persons afflicted in the same way, even to a greater degree, who have recovered.

Whether Dr. Gisborne founds his opinion, in his answer to the second question, upon the particular symptoms of His Majesty's case, or upon his experience of the disorder in general, or upon both?—Upon both.

Whether, in His Majesty's disorder, Dr. Gisborne sees any present signs of convalescence?—I think that can hardly be said.

Whether Doctor Gisborne can assign any known cause to which, in his judgment, His Majesty's present disorder is referrible?—No.

[Withdraws.
Doctor

Doct^r ANTHONY ADDINGTON called in and examined.

Whether, in your opinion, the state of His Majesty's health is, or is not, such as to render His Majesty incapable, either of coming to Parliament, or attending public business?—I think he is incapable, at least he was when I saw His Majesty last: It was about a week ago.

What hopes has Dr. Addington of His Majesty's recovery?—I think there are very good grounds of hope.

Can Dr. Addington form any judgement, or probable conjecture, of the time which His Majesty's illness is likely to last?—It is a very hard matter to form any certain judgement or conjecture.

What degree of experience has Dr. Addington had of the particular species of disorder with which His Majesty is afflicted?—I had patients, in a house that I built at Reading, for years antecedent to the year 1754, when I came to London.

Do you found your opinion, in your answer to the second question, upon the particular symptoms of His Majesty's case, or upon your experience of the disorder in general, or upon both?—I think there is some reason to found it upon symptoms, as well as experience.—Though I have seen His Majesty very unquiet, it did not arise to that degree of inquietude which denoted a disease that would be of very long duration. I thought there was something in the very habit of body, as well as in His Majesty's complexion, and in what had been his way of life, that was very favourable to a cure. Where there is not a very great exertion of body or mind, persons who have lived in the way His Majesty has done, are very rarely liable to this illness. From the account I had from my brethren, who had the honour to attend His Majesty, I had very great expectations that it would end happily, from this circumstance—that it had not for its forerunner that melancholy which usually precedes a tedious illness of this sort.—I never knew an instance of an illness that, under proper care, run to any great length, which had not been so preceded.—As for experience, I have visited a considerable number of patients in that disease, in and round Reading:—Finding they could not be taken so much care of as they ought to be in their houses, and that I might be as little interrupted as possible in the practice of other branches of

of my profession, I built a house, contiguous to my own, for the reception of such patients.—I visited them there constantly every day.—I had from eight to ten patients there usually at a time.—During that time, two patients were admitted, who were reasonably deemed to be incurable at the time of their coming, and for years before.—During the charge of my patients, for five years together, at that house, I never had more than two other patients that were not cured within the year, and continued well, as far as ever I knew —Some recovered in much shorter time; and I had several that were quite well within a quarter of a year.—If any of those persons had relapsed, I believe, from the partial opinion of their families, I should have heard of it.—Where there is a relapse, I should not call it a perfect cure.

What state of the patients did Dr. Addington consider as a cure?—When the patient was able to do every thing that a man in health does.

What were the particular circumstances of the two patients before mentioned by Dr. Addington, which occasioned their being deemed incurable?—One of those persons had been for many years under the care of a very skilful physician, in an house for the reception of patients under this disorder. It was a case that was different from all others with which I have been acquainted, both in the cause, and in the circumstances which preceded and attended it.—The other was a patient who, I believe, had been very ill many years; she had been for some time under the care of an eminent physician, who wished her to be put into a house where she might be taken care of for life; she was atrabilious in the highest degree, and died, from the effects of that disorder, in about a week.

Whether the majority of the patients under your care were men, or women?—I think nearly equal.

Whether Dr. Addington professed to take, and did in fact take, all patients that were offered him?

I had not always room.—I excluded none on account of the nature of the disorder.

What has been Dr. Addington's attendance on His Majesty?

I saw his Majesty for three days successively, and for twice each day for a considerable time.

Whether

Whether, during the time of that attendance, he observed any signs of actual convalescence in His Majesty?—No.

Whether, from your own observation, or from the particulars which have been communicated to you, you can assign any known cause to which, in your judgment, His Majesty's disorder is referrible?

I cannot pretend to say what the cause was either from what I saw, or what was communicated to me.—I do not chuse to hazard conjecture. [Withdraws.

Sir LUCAS PEPYS called in, and examined.

Whether, in your opinion, the state of His Majesty's health is such as to render His Majesty incapable, either of coming to parliament, or of attending to public business?

The state of His Majesty's health is certainly such as to render him incapable of coming to Parliament, or attending to public business.

What hopes has Sir Lucas Pepys of His Majesty's recovery?—I have the same hopes of his Majesty's recovery, as I should have if he were labouring under any other disease, of which I knew that the majority labouring under it did recover. That the majority do recover, I am satisfied from my own experience, and from the assurance of a person who has most experience in cases of this sort.

Can Sir Lucas Pepys form any judgement, or probable conjecture, of the time which His Majesty's illness is likely to last?

It is impossible to form any conjecture on that subject.

What degree of experience has Sir Lucas Pepys had of the particular species of disorder with which His Majesty is afflicted?

I have occasionally seen several persons under that disorder, sometimes alone, but more frequently with those whose practice leads them more particularly to attend to it.

Whether in His Majesty's disorder, Sir Lucas Pepys sees any present signs of convalescence?

His Majesty is more quiet than he has been; but there are no present signs of immediate convalescence.

Are there any actual symptoms at present, which lead Sir Lucas Pepys to entertain more favourable hopes of His Majesty's recovery, than he has hitherto had during his attendance?

I think

I think there are very material symptoms, as His Majesty's general state of health is certainly much better than it was.

Is the amendment that has taken place, only in His Majesty's general state of health, or is there any abatement of his particular disorder?

From His Majesty's general state of health being better, his sleep is more quiet, his appetite is better, and he is more in his usual state; all which circumstances must previously occur before recovery: but these are only leading steps towards recovery—the disorder still remains; it is difficult to say whether it is actually abated.

What does Sir Lucas Pepys mean by His Majesty being more in his usual state?

More quiet, and in a less perturbed state?

Whether it is Sir Lucas Pepys's opinion, that there is, or is not, at present any abatement of His Majesty's disorder?

I have answered it, by saying that it is difficult to say whether there is any actual abatement, and I wish to explain my meaning in these words. The only way of explaining it is by analogy to some other complaint. In the case of a mortification, where the bark would most probably effect a cure, I could not say, during several hours after its being taken, whether there was, or was not any abatement of the mortification: so, in the case of His Majesty, I cannot say whether the return of general health has, or has not, yet produced any actual abatement of the particular disorder; but such a return of general good health would lead me to be of opinion that an evident abatement might be expected. I can however say that no actual evident abatement has yet taken place.

When Sir Lucas Pepys, in his answer to the second question, states that the majority of persons labouring under the same disorder with his Majesty do recover, does he mean to include all the different species of the disorder, or to confine himself to that particular species with which His Majesty is affected?

I mean in that estimate to speak of the disorder generally, and not specially.

Can you assign any known cause to which, in your judgement, His Majesty's present disorder is referrible?

I know no evident, or assignable cause.

Is His Majesty's a frequent species of the disorder?

It is a frequent species of the disorder.

In this species, do the majority recover?

Certainly, in this species the majority do recover.

[Withdraws.]

Doctor HENRY REVEL REYNOLDS called in,
and examined.

Whether, in your opinion, the state of His Majesty's health is, or is not, such as to render His Majesty incapable, either of coming to Parliament, or of attending to public business?—His Majesty is certainly incapable of it.

What hopes has Dr. Reynolds of His Majesty's recovery?

I think there are well-founded hopes of His Majesty's recovery.

Can Dr. Reynolds form any judgement, or probable conjecture, of the time which His Majesty's illness is likely to last?—No.

What degree of experience has Dr. Reynolds had of the particular species of disorder with which His Majesty is afflicted?

I have been almost twenty years in business; and in the course of that time I have seen a great number under this disorder, both singly, and together with others.

Whether you found your opinion, in your answer to the second question, upon the particular symptoms of His Majesty's case, or upon your experience of the disorder in general, or upon both?

Rather upon general experience; though I think there is nothing peculiar in His Majesty's case which forbids the presumption of recovery.

Whether, in His Majesty's disorder, you see any present signs of convalescence?

I do not see any present signs of convalescence; though I think His Majesty's being quieter, and in a better state of general health, would lead me to hope that it is a step towards it.

Whether Dr. Reynolds learns from experience, that the greater number of persons afflicted with this disorder have recovered?

The greater number, I think, have recovered.

Whether Dr. Reynolds apprehends, that in calculations founded on general experience, every cure in the same person is included?

I ap-

I apprehend that it is—they consider every distant relapse as a new disease.

Whether Dr. Reynolds can assign any known cause to which, in his judgement, His Majesty's disorder is referrible?—No; I cannot.

[Withdraws.]

T H E E N D.

R E P O R T
FROM THE
C O M M I T T E E

APPOINTED TO

Examine the Physicians who have attended

H I S M A J E S T Y,

DURING HIS ILLNESS,

Touching the present STATE of His
Majesty's Health.

CONTAINING

Examinations of Dr. Warren, Sir Lucas Pepys, Dr. Willis,
Sir George Baker, Dr. Reynolds, and Dr. Gifborne.

Ordered to be printed 13th January 1789.

A N E W E D I T I O N.

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R E P O R T.

The Committee appointed to examine the Physicians who have attended his Majesty, during his Illness, touching the present State of his Majesty's Health; and to report such Examination forthwith to the House;

HAVE, pursuant to the Order of the House, proceeded to examine the said Physicians.

They also proceeded to some length in examining, with respect to the situation in which Dr. John Willis has attended his Majesty; and from such examination are of opinion, that he comes within the order of reference to this Committee: But as his examination might have greatly protracted their proceedings, and as they have reason to suppose Dr. Willis, senior, fully informed of every particular necessary to the object of their enquiry, which could be stated by Dr. John Willis, they have forbore to examine the latter, conceiving, that it is of the utmost importance, that their Report should not be any longer deferred.

The examination of the Physicians is as follows; and that part of it which relates to Dr. John Willis, is added at the end of this Report.

Mercurii, 7^o die Januarii 1789.

Sir L U C A S P E P Y S called in, and examined.

Whether, in his opinion, the state of his Majesty's health does, or does not, continue to be such as to render his Majesty incapable either of coming to Parliament, or of attending to public business?

It certainly continues such as to render him incapable either of coming to Parliament, or of attending to public business.

What hopes does Sir Lucas Pepys now entertain of his Majesty's recovery?

The hopes I now entertain are founded exactly upon the same ground upon which they were when I formerly gave my opinion.

Can Sir Lucas Pepys now form any judgment, or probable conjecture, of the time that his Majesty's illness is likely to last?

I can neither form judgment or probable conjecture of the time that his Majesty's disease is likely to last.

Whether, in his Majesty's disorder, Sir Lucas Pepys sees any present signs of convalescence?

On the 27th of December, in the evening, I saw his Majesty in such a calm, and approaching towards a rational state, I was in hopes, had it continued, signs of convalescence would soon have appeared; those good symptoms appeared only for an hour; since which I have seen no signs of approaching convalescence.

Are there any actual symptoms at present, which leads Sir Lucas Pepys to entertain more or less favourable hopes of his Majesty's recovery, than he has hitherto had during his attendance?

I think his Majesty is more easily controuled, and therefore I should hope that he was advancing towards recovery, though no actual symptoms appear.

Whether it is not usual for persons in the situation of his Majesty to become more easily controuled, when they are put under the care of persons used to attend patients in that disorder?

Certainly;—but he is more easily controuled now than he was a fortnight ago, when under the same care.

Whether this does not happen often, independant of any advancement towards recovery?

As controul is the principal means used for recovery, I consider patients submitting to it more readily as a mark of some sort of ground being got.

Does Sir Lucas Pepys consider the circumstance of his Majesty being more easily controuled, as being in itself such a clear symptom of the abatement of the disorder, as induces Sir Lucas Pepys from that cause to entertain stronger hopes of his Majesty's speedy recovery, than when Sir Lucas Pepys was last examined?

Not stronger hopes of his Majesty's speedy recovery, but hopes of his more speedy recovery.

Whether, in Sir Lucas Pepys's judgment, management, or medicine, is the more operative cause of recovery in cases of this sort?

I think without both, patients are not so likely to recover, as under either; neither would have effect singly.

Does Sir Lucas Pepys think, that the persons who usually have the controul and management of persons in his Majesty's situation, are better, or worse, judges of the true inference arising from the fact of quiet submission to such controul, than Physicians who have not made this disorder their particular study?

I think they are better judges.

What is the degree of attendance of the Physicians who are not constantly with his Majesty?

Either myself, Dr. Gisborne, or Dr. Reynolds, are at Kew, in rotation, from four o'clock every day, till eleven the next morning, at ten o'clock every morning, either Sir George Baker or Dr. Warren comes to Kew, visits his Majesty, and consult with the Physician who has remained there all night, and Dr. Willis, and usually remains there about an hour.

Whether there are any other medical persons that attend his Majesty?

Two Surgeons and two Apothecaries.

Whether accounts are not received from them respecting his Majesty's situation?

No regular account is given by them, but they are frequently asked.

Whether those Surgeons and Apothecaries, or any of them, are persons who have made this disorder their particular study, or who have usually had the controul and management of persons in his Majesty's situation?

I cannot say whether they have made this particular disorder their particular study.—I conclude they occasionally see patients in this disorder, though they may not have the controul and management of them.

Whether

Whether you think them capable of relating facts with accuracy and integrity ?

I would trust the judgment and integrity of any of them.

Whether those Surgeons and Apothecaries have the same opportunities of observing the particular situation of his Majesty as Dr. Willis has ?

Not the same opportunity as Dr. Willis has, but the same opportunity as any other of the three Physicians have who attend in rotation.

Whether Dr. Willis is present with the King often, or for any considerable length of time, when some one of those Surgeons and Apothecaries is not present ?

Very frequently, and for a considerable length of time, when none of them are present.

Are not some of them present at times in which Dr. Willis is not present ?——Sometimes, but not often.

When Dr. Willis takes rest, who is it that attends the King ?

A page, and one of Dr. Willis's men.

Do no Physician or Apothecary ever come in at such times ?

There is a positive order that nobody shall go into his Majesty's room without Dr. Willis's leave.

Who gave that order ?

I don't know—it is written up in the outer room.

Did you never ask who gave that order ?——I never asked.

What do you mean by the easier subjection to controul ?

I mean a slighter degree of intimidation.

Is the easier submission to controul, in your opinion, produced by actual abatements of the disorder, or do you only consider it as facilitating the management which may produce a cure ?

I conceive it as an actual abatement of the disorder as far as that goes.

Whether persons who have been for any length of time under a degree of actual controul, do not, from that circumstance, more easily submit to controul, independant of any abatement of the disorder ?

I think not, as I have seen patients under the strongest degree of coercion for months together, who have not been, at the end of that period, more under controul than they were at first.

Whether you have not known patients who, after having been under coercion for some time, have become more manageable without any symptoms of recovery appearing ?

Certainly without any symptoms of recovery, but not without symptoms of an abatement of the disorder.

Whether or no you have not known such symptoms of abatement in consequence of controul to have existed, without any recovery having followed ?——Certainly.

Whether, after his Majesty has been submissive to controul, as by you stated, he has not afterwards grown less manageable ?

Certainly—but not less manageable than he was before coercion was used.

When was it last found necessary to use coercion ?

The middle of last week, as far as I can speak from my own observation—I understand it has been used since.

Whether, before Dr. Willis came about the King, the same modes of coercion were used?—No.

Whether there is not a greater probability of recovery where symptoms of abatement of the disorder have appeared, than where the disorder has remained for the same time without such symptoms of abatement?

The probability of recovery is always in proportion to the frequency and degree of abatement of the disorder, except in cases of sudden recovery.

Does the majority of persons in his Majesty's situation, with its present symptoms and appearances, recover?

It is my opinion that they certainly do.

Whether you consider the chance of recovery in a person who has passed ten weeks without symptoms of convalescence, to be equal to that of a person who has passed only six weeks without any such symptoms?

I think the difference between six weeks and ten weeks perfectly immaterial in cases of this sort, the period is so short.

Do you mean the majority of persons in general have recovered, or do you mean the majority of those who are about the same age as his Majesty?

I cannot speak from any observation of my own, nor do I know that any such observations have been made by others, whether the majority of persons afflicted with that disorder at that time of life, do or do not recover.

Do you consider his Majesty's present chance of recovery (all the circumstances of his Majesty's case that have fallen within your observation being attended to) as being greater, or less, than it was when you was last examined here, or as being equally good?

From the circumstances which I saw on the 27th of December, I think I can speak with more certainty, when I say that I conclude his Majesty will recover, than I did when I was last examined.

Was Dr. Willis present on the 27th of December, at the time you observed the circumstances you alluded to?

Only for a very few minutes, and those at the end of the time; but his son was there the whole time.

Since Dr. Willis has attended his Majesty, whether either Dr. Willis or his son has always been present, when you attended, during the whole time?

I have sometimes been with his Majesty alone, more commonly in the presence of Dr. Willis or his son.

Have you observed any difference in his Majesty when you have seen him alone, and when in the presence of Dr. Willis or his son?

Sometimes his Majesty is more irritable when either Dr. Willis or his son is present, and at other times the contrary.

Whether on the 27th of December his Majesty shewed any consciousness of the situation he then was, or had been in?

There was no consciousness shewn at that time of his then present situation; but he spoke of his having been delirious at Windsor, and was surprized on my telling him, that his delirium had continued above three weeks.

Whether

Whether there has been any direct or indirect attempt made by any of the Physicians, at any time, to controul or influence you with respect to the account to be given of his Majesty's situation?

Certainly not.

Have not symptoms of irritation in his Majesty's case been frequent since you was last examined here?—Very frequent.

Whether the means of coercion have not been more frequently resorted to since that period than before?—More frequently.

Whether you have consulted any eminent person conversant in those cases, and not attending on his Majesty, respecting his Majesty's disorder?

I have spoken with Dr. Munro, who has seen more patients than any practitioner ever did see, upon the point only of the probability of his Majesty's recovery, but not with regard to medicine or treatment.

Whether Sir Lucas Pepys has not founded his opinion as well upon the reports of the two Surgeons, and two Apothecaries, and other persons in attendance upon his Majesty, as upon his own observations?

I ground my opinion upon my own observation only.

How long before your last examination were the means of coercion at all resorted to?

I believe only once, if at all; I am not sure.

Do you then conceive the irritation to have been greater since that examination than it was before?

I do not consider that the irritation was greater; but the means of coercion were not in our hands till about the time of examination.

Had the irritation, previous to the time of the examination, in any manner subsided?

Not so much as it has since.

Whether, notwithstanding the symptoms of irritation in his Majesty's case has been frequent since Sir Lucas Pepys was examined here, and notwithstanding the means of coercion have been more frequently resorted to since that time than before, Sir Lucas Pepys can speak with more certainty when he says that he concludes his Majesty will recover, than he did when he was last examined here?

Yes, I think I can.

Can you speak with greater certainty with respect to the time of his Majesty's recovery?

I can say nothing about time.

Withdrew.

The Reverend Dr. FRANCIS WILLIS called in, and examined.

Whether, in your opinion, the state of his Majesty's health does, or does not, continue to be such as to render his Majesty incapable either of coming to Parliament, or of attending to public business?

Certainly not capable.

What hopes does Dr. Willis now entertain of his Majesty's recovery?

Such

Such hopes, that if a patient under the same indisposition was in my house, I should not have the least doubt of his recovery.

Can Dr. Willis now form any judgment, or probable conjecture of the time that his Majesty's illness is likely to last?

Not any;—I could not fix upon any;—I would not hazard an opinion of that kind.

Whether, in his Majesty's disorder, Dr. Willis sees any present signs of convalescence?

About a fortnight ago, his Majesty would take up books and could not read a line of them; he now will read several pages together, and make, in my opinion, very good remarks upon the subject: I think, in the main, his Majesty does every thing in a more rational way than he did, and some things extremely rational.

How often has Dr. Willis found it necessary to use coercion to his Majesty, since he was last examined here?

I cannot say, but very often: Before that time, the occasions were continual, but in a different mode.

What period of time do you mean, when you say before that time?

I believe I was five days before I used any particular coercive mode, but endeavoured to persuade and explain what method must be made use of, if there was not a ready compliance.

When did you first begin the mode of coercion?

I really don't know the particular day.

Whether Dr. Willis keeps any diary of his proceedings?

Not before the 7th or 8th day I was there, as I believe.

To what period did you refer when you said, before your last examination there had been continual occasions for coercion, though in a different mode?

I believe it was so when I came, and for some time after; and I understood from the Pages, it had been so a considerable time before.

Whether the King was in this state of irritation, requiring coercion, at or about the time you was examined here before?

He was at times, not always.

Do you understand from information that, previous to that time, the occasions for coercion were without any intermission?

In all probability there must have been intermissions.

Whether the instances of coercion, in whatever mode, were more frequent from the time of his arrival to the time of his last examination, than they have been since?—Certainly more frequent.

Whether during the period in which you endeavoured to persuade and explain what particular mode of coercion must be made use of, and to the day of your examination, other modes of coercion were made use of, and more frequently, than after you had adopted the particular mode?

Certainly.

Whether, at the time of your examination before the former Committee of the House of Commons, the particular mode of coercion now alluded to by you had been resorted to?—I really don't know.

Whether, if the irritation had in a great measure subsided in consequence of the ordinary modes of constraint used upon his Majesty, you would have thought it necessary to have resorted to the particular mode?

If I had been confident of succeeding as well without, certainly I should not have recurred to that mode, for many reasons.

Question repeated.

No, certainly not.

Whether means of stronger coercion have not been used since your last examination than before?

Certainly, a more firm coercion, but not so teizing to the patient, and therefore used.

Whether you can now inform the Committee, or can by to-morrow enable yourself to inform them, when, and how often, coercion has been used since your last examination?

I believe I could not; I will endeavour to do it, but I have no idea that I can.

When did you last use means of coercion to your patient?

Either Saturday or Sunday, I do not recollect which.

Whether there has been any direct, or indirect, attempt made by any of the Physicians, at any time, to controul or influence you with respect to the account to be given of his Majesty's situation?

I have once or twice refused to sign the certificate, thinking his Majesty was better than the certificate implied.

Do you mean that you did not sign?

I persisted in the refusal till it was altered, and then I did sign it; but latterly I have scarcely read it over, and did not mind whether it was exactly agreeable to my opinion or not, rather than have any words.

Did you in the instances to which you refer, differ in opinion from all the other Physicians attending?

The two Physicians present I differed from; there are but two attending in the morning to sign it, except my son.

Do you mean that this was such a difference of opinion that frequently happens among medical men upon the state of the patient?

Very frequently; but more likely in this case, where the other two Physicians have scarce seen a patient in this way for an hour together; and I have attended various patients in the same house, and known the effect of method and medicine every hour.

What means did you use to persuade the Physicians to alter the account, and adopt your opinion?

That if I had a patient at home that had passed so many hours in such a state, I should conclude that patient was better.

Did Dr. Willis use any other means than arguments of that kind; did he hold out any idea of pleasing, or displeasing, considerable persons?

No, none at all.

Are you sure, that on Friday last, the 2d of January, you did not use such arguments?

I will not be sure that I might not say the alteration that was sent down by a certain Personage was not worth while disputing, and at the same time that I thought it nearer the truth; for Dr. Warren did hold out, that he should think no person better, till they were perfectly well, under

such an indisposition. I asked the Doctor, if a person, so indisposed, should not say one sensible word in 24 hours, and the next 24 hours say but one word, that he would not say, if he was not indisposed, whether he would not think him better; and he told me—No.

When you answered the last question but one, had you in your memory the circumstance you have mentioned?

I had not; I do not know that I certainly did say it; but I thought it, and very likely might say it.

Whether those alterations sent down by a certain Personage, were, or were not, suggested by you?

They certainly were not; they were brought down by two Ladies.—The paper, as sent up, was concerted among the Physicians then present; was carried up, I believe, by General Gordon, and was returned by the two Ladies, I believe.

Do you recollect whether the alterations were made on the same paper on which the account was drawn up by the Doctors, or on different paper sent down?

As well as I remember, it was not altered at all; but proposed by the Ladies to be altered. I believe the alterations were not adopted; I am not sure, but I think not. I believe the account went to St. James's in the same form. I really do not charge my memory with it; it was not worth while for me to remember.

Whether the conversation you state to have passed between you and Dr. Warren, passed when you were alone or before witnesses?

Before those Ladies and the Physician, and one of the Surgeons, I do not remember which, and my own son.

Whether Dr. Willis does not conceive the account sent to St. James's to purport to contain the true and exact opinion of the Physicians who sign it, upon the state of his Majesty's health?

Yes; as well as three can agree in opinion.

Do you mean to say, that you signed your name to any statement of the King's situation to which you do not agree?

If it was not so favourable as I thought, I signed it, rather than have any dispute.

Then, in point of fact, have you signed accounts of the King's health, which in your own mind and conscience you did not believe to be correct?

I believe no three Physicians ever writ a prescription for a patient that was exactly conformable to each of their wishes.

Whether you consider the account sent to St. James's as a prescription, or as a statement of facts?

As a statement of facts, as near as we could agree.

Do you mean to say, that it is usual for Physicians to sign their names to statements of facts, which they were not sure are true and correct, for the sake of agreement?

I have been told, by the Physicians here, that the opinion of one should give way to the other two; and that they were surprised I should hesitate about it.

Do you mean by the Physicians now attending his Majesty?—Yes.

Name the Physicians from whom you received that information?

Sir Lucas Pepys and Dr. Warren.

Are

Are the Committee to understand that the public have been, in any measure, deceived by those accounts sent to St. James's, as far as the authority of Dr. Willis's name was concerned?

I have done my utmost to prevent their being deceived.

What do you mean by having done your utmost?

I argued with the Physicians as much as I could for other words to be put in, but in vain.

Do you recollect whether the alteration, which you stated to Dr. Warren not to be worth disputing, was a material one?

If I had thought it worth disputing, I should have thought it a material one.

Do you remember what the alteration was?

I cannot answer that, but it may be known.

Whether you have, at any time, made any complaint or protest to any person in authority about the King, or to any of his Majesty's ministers, upon the subject of the accounts sent to St. James's, or given them information that such accounts were not to be depended upon as correct, as far as your name was concerned?

I do not remember any thing at all about it.

How many hours in a day is it usual for you to be in personal attendance on his Majesty?

I cannot tell—four or six hours perhaps, according as his Majesty is employed.

Who are the other medical persons that are usually in constant attendance on his Majesty?

No medical person sits up with his Majesty—one of the pages, and one of my servants, are in the room with him; and in the anti-room, one of each, who change every two hours, if they find it convenient.

What is his Majesty's state this day?

I have not seen him since the morning; he had a very good night, and was yesterday better than ever I saw him, and was calm this morning.

Do you mean that there was a greater appearance of rational interval yesterday, than at any other time?—Yes.

Was there less irritation yesterday than before?

A great deal less—he read and attended to reading for an hour together.

Do you now consider the irritation to have in a great measure subsided? He is still exceedingly irritable.

Whether you wrote to the Prince of Wales, yesterday, any account of the King's state?

I believe I did on Monday.

Whether you do not consider the subsiding of the irritation, as a necessary prelude to symptoms of convalescence?

I do.—His Majesty is not now so irritable as he was, nor does the consequence of the irritability continue a tenth part so long—not nearly so irritable as at the time of my last examination.

Withdrew.

Doctor RICHARD WARREN called in, and examined.

Whether, in his opinion, the state of his Majesty's health does, or does not, continue to be such as to render his Majesty incapable either of coming to Parliament, or of attending to public business?

Incapable.

What hopes does Dr. Warren now entertain of his Majesty's recovery?

My hopes of his Majesty's recovery stand upon the same foundation as they did when I was examined before, excepting that a little more time has passed, which does not add to my hopes, but is so little that it hardly ought to subtract from them.

Can Dr. Warren now form any judgment, or probable conjecture, of the time that his Majesty's illness is likely to last?—No.

Whether, in his Majesty's disorder, Dr. Warren sees any present signs of convalescence?—No.

Whether there has been any cessation of the King's disorder at any time since its commencement?

No, as far as I can judge. I visit his Majesty every other morning, converse with him as long as I think it necessary, and form a judgment of the then state of his Majesty from the knowledge which I obtain from conversing with him:—The rest of my knowledge of his Majesty's state is obtained from the information given by the Physician who has attended from four o'clock in the afternoon till the time I get to Kew, and from Dr. Willis and his son, and from the information of Mr. Charles Hawkins, Mr. Keate, Mr. Dundas, and Mr. Battiscombe, one or other of whom are constantly in the house in attendance. From the knowledge thus acquired, and information thus obtained, I conclude that there has been no cessation of his Majesty's complaint.

Whether Dr. Warren thinks that the information he gathers from those gentlemen is material to the forming of his judgment?

These gentlemen have attended his Majesty from the beginning of his illness till this minute, were about him before he was ill, and are perfectly well acquainted with his Majesty, and are very intelligent persons:—From these circumstances I conclude that they are very competent judges how far his Majesty's present state deviates from his former.

Do you consider them as competent judges of the progress of his recovery?—Yes.

Whether or not Dr. Warren has understood from Dr. Willis, or others, that his Majesty has been in a rational state?—No.

Does Dr. Warren know, whether the majority of those who, at his Majesty's time of life, have been afflicted with the disorder his Majesty labours under, have recovered?

I have been making an enquiry lately, in order to satisfy my own curiosity respecting this question; and I believe it will be still two days before I can give a satisfactory answer.

Where are you making that enquiry?

By examining the books of Bethlehem-hospital.

What

What circumstances, in your judgment, would constitute a cessation of his Majesty's complaint, as contra-distinguished from a cure?

My rule of judging whether a person in this situation is recovering, is as follows:—If the patient recovers his reason, or becomes himself again, only for an hour, I pronounce that the complaint has ceased, and that he is mending; if the next day, or any short time afterwards, the interval becomes two hours, I pronounce him better; if the interval becomes longer and longer, I pronounce him advancing in his cure.

What circumstances, in Dr. Warren's judgment, form a cure?

The patient remaining perfectly himself, without any return of his former complaint.

If the patient appeared to be perfectly himself, for a smaller term than an hour, would Dr. Warren consider him in a state of amendment?

Certainly I should, if the state of the patient during that time could be accurately ascertained.

Whether those circumstances, which in your judgment would form a cessation of his Majesty's complaint, ought to be considered, in your judgment, as signs of convalescence?

Certainly.

Whether the Gentlemen you have named, namely, the Physicians, Apothecaries, and Surgeons, are persons who, in your judgment, have made this branch of physick their particular study?

I do not know that they have.

Withdrew.

Doctor WARREN called in again, and desires to add to his Answer to the last Question but two, these words—" But if the interval does not increase, no stress must be laid upon it at all."

If a patient in his Majesty's disorder did not soon recover under Doctor Warren's care (Doctor Warren receiving his information as to the facts of his patient's case, from Gentlemen whom he did not know to have made this branch of medicine their particular study) would not Doctor Warren think it his duty to call in persons whom he did know to have made this branch of medicine their particular study?

No, not on that account. Doctor Warren, and all other Physicians, are obliged to receive their accounts of facts from nurses, and other unscientific persons; and if they are people of common sense, they are able to give a very good account of facts; from the facts as related by them, the Physician must form his judgment, assisted by the knowledge which he acquires by visiting and examining the patient himself.

Whether, in point of fact, where persons in the disorder under which his Majesty labours, have not soon recovered under Doctor Warren's sole care, he has not always, or generally, called in persons who made this branch of medicine their particular study?

Yes, if the patients could afford it.

Whether, in cases where the patients could afford it, Doctor Warren has not oftener left the patients to the care of persons who have made this branch of medicine their particular study, than he has attended in conjunction or consultation with such persons, if they have not soon recovered under his sole care?

Yes, oftener.

Whether

Whether, as Doctor Warren has answered the last question affirmatively, he has not been determined so to act, by a conviction that, where the circumstances of a patient would admit of that mode of treatment, that such mode of treatment was the best which his conscientious judgment could dictate?

This mode of treatment has often arisen from necessity, as it was requisite, for the good of the patient, that he should be removed to a distance from town, where it was impossible for Doctor Warren to attend with regularity, consistent with his usual business: this removal was necessary for the sake of quiet and other conveniencies, which the patient could not have in town; sometimes from the necessity of coercion, which Doctor Warren has no means of applying; sometimes for the sake of particular nurses and keepers, which Doctor Warren does not furnish; and from that diffidence which Doctor Warren ought always to have in himself when his patients do not recover as soon as can reasonably be expected.

Has that diffidence led Dr. Warren to place patients, who have not soon recovered, under the care of persons who have made this branch of medicine their particular study?

Sometimes.

Does Dr. Warren mean to say, that persons who have made this branch of medicine their particular study, and who follow that branch of medicine principally, are not better judges of the disorder, but have only better conveniences for the management of persons labouring under it, than Physicians who practise medicine generally, without particular application to this branch of it?

Provided their parts and intellectual powers are equal to their business, they will become more expert in the curing of this complaint than other Physicians; otherwise they will deserve no preference but for the conveniences they provide for their patients.

Whether the same would not be the case with Physicians who have not made that branch of medicine their particular study, if their parts and intellectual powers are not equal to their business?

Certainly.

Whether, if nine persons out of ten, placed under the care of a person who had made this branch of medicine his particular study, had recovered, if they were placed under his care within three months after they had begun to be afflicted with the disorder, Doctor Warren would not deem such person, either very skilful or very successful?

If he was a sensible man I should deem him skilful, if he was not, I should deem him successful.

Whether Dr. Warren has not understood from Sir Lucas Pepys, that since his former examination, he thinks his Majesty more likely to recover, than he did at the time of that examination?

There was one evening, less than a fortnight since, that Sir Lucas Pepys said, he observed his Majesty talked more like a reasonable man; but this appearance was so totally gone a few hours afterwards, that I had no doubt of its being a misapprehension in Sir Lucas, arising from his zeal.

Has Dr. Warren any reason to believe, that Sir Lucas Pepys is still under what Dr. Warren calls a misapprehension in this respect?

I do not know what Sir Lucas now thinks of his opinion of that night; but his opinion yesterday, when we were together at Kew, was, that his Majesty was no better.

Has Dr. Warren communicated to Sir Lucas Pepys, his reasons for thinking the opinion of Sir Lucas Pepys a misapprehension?

I do not know whether I gave him any formal reasons on the subject, but I know that I expressed my doubts about it.

Whether Dr. Warren has not understood from Dr. Willis, that he was more confirmed lately, in his hopes of his Majesty's recovery, than he was at the time of his former examination before the Committee?

Dr. Willis spoke very sanguinely of a speedy cure, soon after the time of his former examination; he has held the same language ever since, but spoke in stronger terms of amendment being actually obtained last week, than at any other time.

Has Dr. Warren ever heard from Mr. Hawkins, Mr. Keate, Mr. Dundas, and Mr. Battiscombe, that his Majesty is in a state of actual amendment as to intellect; and that the probability of his recovery is greater now than at the time Dr. Warren was last examined?

No.

Has Dr. Warren understood, on the contrary, from any or all of these Gentlemen, that his Majesty is not in an actual state of amendment as to intellect; and that the probability of his recovery is not greater now than at the time Dr. Warren was last examined?

From some of them I have heard that his Majesty is not in a state of amendment; but I have not talked to them upon the probability of cure, my discourse with them being chiefly confined to facts.

Has Dr. Warren ever heard from any of these Gentlemen, that there has at any time been any return of reason in his Majesty since the commencement of his disorder?

No.

Has Dr. Warren known any instance of any Physician, or other person attending on his Majesty, sending any written account of his Majesty's situation, stating his Majesty to have been in a calm and mended state, at a time when he (Dr. Warren) had reason to know that his Majesty's situation and state were the reverse?

Dr. Willis has written letters to the Prince of Wales, expressing his Majesty to be much better than I apprehended his Majesty to be at that time, declaring progress in cure that I could not discover.

Has Dr. Warren had any discourse, or difference of opinion, with Dr. Willis, respecting any other letter, of the same description, to any other person?

I was informed that Dr. Willis wrote such a letter, at twelve o'clock at night, the day of the debate in the House of Commons; I spoke to Dr. Willis on the subject of this letter the next morning, and told him that he did wrong to write such an account, when it was not true: I afterwards enquired, and could not find that the Doctor had written such a letter, and told him that I had done him an injury in charging him with it, as I could not prove it.

Does Dr. Warren recollect to whom that letter was supposed to be written ?

The report was, that it was written to Mr. Pitt.

Does Dr. Warren recollect from whom he received that information ?

There was a report current throughout the town that Mr. Pitt had read such a letter at White's, at five o'clock in the morning.

Does Dr. Warren recollect only the current report, but not any particular person from whom he heard it ?

Indeed I cannot recollect any particular person.

Does Dr. Warren recollect what was stated to be the substance of that supposed letter ?

In general terms, that his Majesty was greatly better, and was likely to be speedily well.

Does Dr. Warren recollect in what terms he stated to Dr. Willis his disapprobation of his writing such a letter, or the substance of them ?

That, as his Majesty was remarkably bad, and under coercion that night, he could consider it only as a political letter, which he thought wrong from a physician.

When did Dr. Warren tell Dr. Willis, that he had done him an injury in charging him with having written such a letter ?

To the best of my recollection, it was the next time of my going to Kew after I had charged him with writing it, which, if so, must have been the second day after the charge.

Had Dr. Warren then had an opportunity of seeing the original letters written to Mr. Pitt on the day of the debate to which he alluded, and on the following day ?

I had seen a letter, written, as I thought, by Dr. Willis's son, dated at half an hour after five in the afternoon of the day of the debate—I do not know whether I saw a letter written the day after or not.—I believe I might have done so if I pleased.

Whether the letter which Dr. Warren did see, did contain a just description of his Majesty's situation, according to Dr. Warren's opinion ?

When I came to Kew the morning following, I was informed by Dr. Willis that his Majesty had had a violent paroxysm that night, which came on at seven o'clock the evening preceding; but how his Majesty exactly was at half an hour after five, I do not know.

Whether the letter, dated at half an hour after five, gave a favourable account of his Majesty ?

To the best of my recollection it contained a favourable account.

Whether Dr. Warren had any information given him of the time when this letter was received ?

I do not remember that I had.

Did Dr. Warren understand, from any of the other attendants on his Majesty, that his Majesty had been, in any part of that day, in a particular amended state ?

No.

Did Dr. Willis make any reply, when Dr. Warren told him he had done wrong to write such a letter, when it was not true ?

Dr.

Dr. Willis, by his behaviour, appeared to me at that time to own it.

Why Dr. Warren thought it necessary to acknowledge afterwards to Dr. Willis that he had done him an injury?

Because Dr. Willis complained that I had charged him with a fact that was not true.—I made all the enquiry I could to find out the truth, and discovered that a letter had been written at half an hour after five, but could not discover that a letter had been written at twelve at night, and consequently concluded that there had been an error with respect to the time; and therefore that I had done him wrong in charging him with writing it at twelve, and took the first opportunity of retracting what I had said.

What enquiry did Dr. Warren make, in order to find out the truth?

The Lord Chancellor informed me of Dr. Willis's complaint, and said he would write to Mr. Pitt for all the letters he had received from Dr. Willis on that day; Mr. Pitt sent them, and the Chancellor shewed them to me.

Did Dr. Warren see Mr. Pitt's answer to the Chancellor?

Yes.

Does Dr. Warren understand, upon recollection, that the circumstances which satisfied him that the letter had not been written as supposed, were produced in consequence of his enquiry, or of an enquiry made in his name, or in consequence of Dr. Willis's representation on his uneasiness upon what had passed with Dr. Warren?

I suppose the letters were produced in consequence of my wish to ascertain the truth.

When complaint was made to Dr. Warren, on the part of Dr. Willis, did Dr. Warren make any enquiry into the truth of the fact of those persons from whom he received the information that such fact existed?

The Chancellor said, the only way to find the truth, was to send to Mr. Pitt for the letters.—I do not know of whom I received the information.

Whether Dr. Warren ever saw any paper, purporting to be a copy of this letter supposed to be written at twelve o'clock at night, and if he did, by whom the same was shewn to him?

I do not recollect that I ever saw a paper, purporting to be a copy of it.

Can Dr. Warren take upon himself to say, that he never did see any paper, purporting to be a copy of the letter supposed to be written at twelve o'clock at night?

No, I do not recollect that I did.

Did Dr. Warren ever hear any person, whose name he could mention, say that he had a copy of a letter supposed to be written by Dr. Willis to Mr. Pitt, at twelve o'clock that night?

No.

Dr. Warren having said, that a letter of Dr. Willis's to the Prince of Wales contained a more favourable account than he thought His Majesty's situation justified, does Dr. Warren mean to say, that such letter contained a more favourable account than Dr. Willis believed to be true?

It is impossible for me to say what Dr. Willis believes.

Dr. Warren having said, that in a case where nine out of ten patients placed under the care of a Physician, who has applied himself to a particular branch of medicine, within three months from the commencement of their disorder, have been cured, he should deem such Physician skilful, if he was a sensible man, and if not, should think him only successful; whether, if such success had attended that Physician's practice for twenty-eight years, he should ascribe it to good fortune only?

There is no other way of judging but by success; yet it does not follow, that that judgment is right; it can never be supposed, that an ignorant man has knowledge, or that a man who has no rule to go by can act systematically, be his success what it will.

Whether, in order to induce Dr. Warren to believe, that, for twenty-seven years, nine persons out of ten had been cured, he would not require some other evidence than the assertions of the man pretending to have performed such cures?

I certainly should.

Whether there has been any direct or indirect attempt made by any of the Physicians, at any time, to controul or influence you with respect to the account to be given of his Majesty's situation?

Dr. Willis, on Friday last, made a very unwarrantable use of the name of a Great Person; I call it unwarrantable, because I cannot believe that he could have authority to use it to influence me, while the Report to be sent to St. James's was composing.

Will Dr. Warren relate the circumstances of that transaction?

The Report proposed to be sent was written thus:—"His Majesty passed yesterday quietly, has had a very good night, and is calm this morning." Dr. Willis desired that some expression might be made use of, indicating that his Majesty was advanced since the day before in his cure; I objected to this, because I had ample reason, from my conversation with his Majesty, and from the information which I had received from Mr. Charles Hawkins, to think the contrary true—Dr. Willis then said, "a certain Great Person will not suffer it to go so, and it will fall upon you."

Are you sure you are correct in those words?

I believe I am; I took the words down as soon as I came home—Dr. Reynolds was present when the words were spoken.—I made no observation to Dr. Willis on those words; but, after talking with him a little more on the subject of his Majesty, composed, together with Dr. Reynolds, the following Report:—"His Majesty passed yesterday much in the same manner as he did the day before; has had a very good night; and is this morning as he was yesterday." Dr. Reynolds, Dr. Willis, and Dr. Warren, signed this Report; it was sent up stairs, and was returned, with an order to change the words, "as he was yesterday," into "continues to mend."—Doctor Warren desired the honour of an audience; and, upon stating his reasons why no amendment had taken place, the words, "continues to mend," were given up; and the sentence, "is this morning in a comfortable way," was substituted in their place.

When Dr. Willis used these expressions, "a certain Great Person will not suffer it to go so, and it will fall upon you;" whether Dr. Warren understood those words to convey to him, that a perseverance in his opinion would draw upon him the displeasure of the Great Person alluded to?

I was clear that Dr. Willis meant I should think so.

Whether the fear of the displeasure of that Great Person would, or would not, be a powerful motive of action with Dr. Warren, in any case where his conscience and honour did not prevent him paying attention to such a motive?—It most certainly would.

Were the words Dr. Warren stated to have been given up immediately after his stating his objections?

After I had stated my objections, and supported them with several arguments, the words were given up; and upon my saying, “That though his Majesty was not mended since yesterday, yet that he was in a comfortable way this morning, which I hoped tended to a cure,” the word “Comfortable” was immediately adopted.

Whether, upon Dr. Warren’s stating, that he objected to those words, they were immediately given up? or, Whether there was any inclination shewn to induce Dr. Warren to sign the altered Report, after he had stated that he objected to the alteration?

There was no inclination shewn to give up the words, till the word “Comfortable” had been used.

Question repeated.

After my arguments had been repeated, and seem to be understood, and I had added, that I had received information from one of his Majesty’s attendants, of the state of his Majesty’s health that morning, the words were given up.

Whether there was any period, after the witness had declared that he objected to the alteration, in which an inclination was shewn to induce him to sign it?

Till I was completely understood.

Does the witness mean, by being completely understood, that he objected, or till the arguments upon which he founded his objections were completely understood?

Till the arguments upon which I founded my objections were completely understood.

Is the Committee to understand then, that, during that period in which it was understood that Dr. Warren objected, but the arguments upon which he objected were not understood, an inclination was still shewn to induce him to sign the altered Report?

The Great Person seemed to be so strongly persuaded that there was a real amendment that morning, that it was necessary to produce several arguments to convince that person to the contrary; until that conviction was obtained, there appeared an expectation that I should adopt the words “continues to mend.”

Is the Committee to understand, that that expectation continued to appear after Dr. Warren had stated that he objected to the alteration?

In the interval after stating that I objected, and before the arguments had been stated, that expectation appeared to continue.

Whether Dr. Warren did, or did not, peremptorily refuse to sign the altered Report?

No;—that Great Person adopted the word “comfortable,” and I immediately retired to put it into the Report.

Whether, subsequently to this audience, any thing passed relative to this transaction?

Yes;—Lady Harcourt, and Lady Charlotte Finch, followed me down stairs, and inquired of me, who the person was from whom I had my in-

formation relative to his Majesty's health that morning? I answered, from Mr. Charles Hawkins. When Mr. Charles Hawkins appeared, he was asked by the two ladies what he had said to me that morning respecting his Majesty's health? He gave them an account, and they retired. The next time that I went down to Kew I was treated with marks of attention and respect that I had not received for some time before.

What was the line of argument employed by Dr. Warren, in order to convince the Great Person of whom he has spoken, that in the King's situation that morning there was no real amendment?

First of all I mention the rule by which I judged of the health of persons in his Majesty's situation, and which I have given in the former part of this examination. I then drew an argument from the conversation I had had with his Majesty, without mentioning the particulars of it. I then observed his Majesty had often been in the same state without its remaining many hours (which turned out to be the case on that day) I then brought another argument from the information I had received from Mr. Hawkins.

[Withdrew.]

Jovis, 8^o die Januarii 1789.

Sir LUCAS PEPYS again called in, and examined.

DID Sir Lucas Pepys ever endeavour to induce Dr. Willis to sign any Report sent to St. James's, respecting the King's health, which Report Dr. Willis affirmed to be contrary to the true state of the King's situation?

The only conversation which appeared at all like altercation, respecting the account sent to St. James's, was whether the words "very good night," instead of "good night," should be put in.

Did you ever tell Dr. Willis that it was usual for Physicians to sign their names to statements of facts, which they are not sure are true and correct, for the sake of agreement?

Certainly never;—but upon such trifles as above mentioned, I stated that it was the usual custom, when two out of three were of the same opinion, for the third to acquiesce.

Does Sir Lucas Pepys mean, that that opinion of his was confined to such trifles as related to the wording of nearly the same opinion?

At that time it related merely to those words; and though I understand differences of opinion have arisen about wording the account sent to St. James's, yet when I have been present none have arisen.

Did Sir Lucas Pepys ever inform Dr. Willis, that the opinion or medical judgment, connected with any statement of fact of one Physician, should give way to the other two, and that he was surprised that Dr. Willis should hesitate about it?

Unless the word "very" above mentioned, may be considered as connected with a medical fact, I know of no other conversation upon the subject.

Did Sir Lucas Pepys on that occasion employ any vehement persuasion, so as to bring on words or altercation with Dr. Willis, so as to induce Dr. Willis to sign such reports against his judgment, in order to avoid such altercation?

I was writing during the whole time; and so far from using vehement words, I advised him, in the quietest manner, to avoid all altercation about trifles;

trifles; and, though Sir George Baker and I were two opinions against one, finding Dr. Willis was anxious to retain the word "*very*," Sir George Baker gave up the point, and the Report went as Dr. Willis had desired it.

Whether Sir Lucas Pepys does not hold himself responsible in his character to the public, for the truth of the Report sent to St. James's, to which he signs his name?

Certainly not for the whole truth; as we consider it as unnecessary to wound the feelings of her Majesty and the rest of the family, by saying more than was absolutely necessary.

Whether you do not hold yourself bound to set your name to no account which contains any thing which you think not true?

I certainly do.

Whether, if Sir Lucas Pepys happened to be of opinion, upon any morning, that the words "continues to mend," would be an apt description of his Majesty's case, and Dr. Warren and Sir George Baker should think the words "his Majesty is in a comfortable way" more proper, intimating at the same time, that they hoped that that had a tendency to a cure, Sir Lucas Pepys would think he acted unwarrantably in giving up the words "continues to mend," and agreeing to the words used by the other two Physicians, namely, "his Majesty is in a comfortable way," those words being so explained as to their tendency?

It is impossible that those words, "comfortable way," and, "continues to mend," could have the same tendency, and be of the same import.

Whether, if Dr. Warren had used those words, "his Majesty is in a comfortable way this morning, which I hope tends to a cure," Sir Lucas Pepys would have thought he acted unwarrantably in using those words in conjunction with the other Physicians, so explaining in fact their sense of them?

I should have thought I had acted unwarrantably in signing my name to such an explanation, which could never be an explanation of "continues to mend."

Was Sir Lucas Pepys of opinion, the day before yesterday, that he ought to have no better hopes of his Majesty's recovery than he had when he was formerly examined here?

I stated yesterday, that the hopes of recovery must be still on the same ground upon which I had stated them to be at the former examination; for, though I saw occasionally abatement of symptoms, I saw no symptoms of approaching convalescence.

Does Sir Lucas Pepys continue to think this morning as he did yesterday, that, all the circumstances of his Majesty's case being duly attended to, he can conclude with more certainty that his Majesty will recover, than he could when he was examined before the former Committee?

Though the hopes of recovery must have been the same, yet, from the consideration of the abatement of symptoms, I continue in the opinion that I was yesterday, that I can speak with more certainty of the prospect of his Majesty's recovery.

Whether, if there has been any error or imperfection in the accounts sent to St. James's, Sir Lucas Pepys conceives it to have consisted in representing his Majesty's state to be worse than it is?

Directly

Directly the contrary.—I have always endeavoured to represent his Majesty's situation in the most favourable light.

Whether Sir Lucas Pepys considers it to be his duty to take care, as far as depends on him, that the Report sent to St. James's shall convey such an account as may not tend to mislead the public, respecting the state of his Majesty's health?

Till after the examination before the Privy Council, every account was purposely framed to give the public no sort of information of his Majesty's situation. Since that period, we have endeavoured, as much as possible, to represent his Majesty's situation as favourable as possible, consistent with truth, though without mentioning particular circumstances.

Whether under any explanation of the words "continues to mend," Sir Lucas Pepys would think himself warranted to sign a Report containing those words, if he was not convinced, either by his own observation, or the information of others, that there had been previous signs of amendment as leading to convalescence?

Nothing could induce me to sign the words "continues to mend," unless I had from my own observation discovered evident signs of gradual approaches to convalescence, under any explanation whatsoever.

When Sir Lucas Pepys said, there was an endeavour to represent the King's situation in a favourable light, did he speak of the Reports signed by the other Physicians, or more particularly of those signed by himself?

I am satisfied, from repeated conversations on the subject, that the rest of the Physicians concurred with me in always endeavouring to give the most favourable account.

Whether you know when the order mentioned by you yesterday, that no person should be admitted without the leave of Dr. Willis, was first made?

I cannot justly say whether it was five, six, or seven days ago, but somewhere thereabouts. As far as I can recollect, it must have been on Friday last—I never saw it till I was down the time before last—it was when I came down at four o'clock on Friday.

Do you recollect the terms of the order?

The purport of it is, that it is ordered that no person shall go into his Majesty's apartment without the leave of one of the Dr. Willis's.

Whether, to your knowledge, any improper persons, either by means of the Physicians, or of others, had obtained admission into his Majesty's apartment, to make the issuing such an order necessary?

I know of no person having been admitted into his Majesty's apartments, except those who are in usual attendance upon him, unless Dr. Willis's son, the Clergyman, may be considered as such?

Is that son a physician? — No.

Whether you have not observed that patients under this malady may enjoy a state of considerable bodily health, the free use of all their bodily organs, and of all their bodily functions, and yet still labour under a mental distemper? — Undoubtedly.

Whether in this malady there may not be a temporary and partial use of understanding, when at the same time the general mental faculties continue much deranged?

Certainly.

Whether

Whether or no the persons who are used to the discipline employed in this malady, and to the means of coercion, are not known to obtain a considerable dominion over the persons under their care?

Certainly.

Whether you have not observed, that the favourable circumstances which occur in one day, have frequently been overturned in the next?

Continually.

Withdrew.

Sir GEORGE BAKER called in, and examined.

Whether, in his opinion, the state of his Majesty's health does, or does not, continue to be such as to render his Majesty incapable, either of coming to Parliament, or of attending to public business?

Certainly.

What hopes does Sir George Baker now entertain of his Majesty's recovery?

My hopes of his Majesty's recovery stand upon the same grounds they did when I was here last.

Can Sir George Baker now form any judgment, or probable conjecture, of the time that his Majesty's disease is likely to last?

I can form no judgment or probable conjecture, with respect to the continuance of the disease.

Whether, in his Majesty's disorder, Sir George Baker sees any present signs of convalescence?—None.

Can you inform the Committee, whether a majority of persons, who have been afflicted with this malady at his Majesty's time of life, have recovered?

I can only answer that by conjecture; I believe not.

Does Sir George Baker (all the circumstances of his Majesty's case, which have fallen within his observation, being duly attended to) think the chance of his Majesty's recovery greater, or less, than it was at the time he was examined before the former Committee, or equal to what it was, in his judgment, at that time?

In my judgment it is precisely the same.

Whether you consider the continuation of the malady four weeks longer, without any signs of convalescence, as making any difference with respect to the chance of recovery?

My experience leads me to answer, that it makes no difference.

Do you not hold yourself responsible in your character to the public for the truth of the Reports sent to St. James's, to which you sign your name?

I have never signed my name to any thing that I had not thought true, or very near true: We have always taken it in the most favourable light.

Would any argument or motive have induced you to sign your name to a less favourable account of his Majesty's situation than, in your own conviction and conscience, you thought the fact was?

Certainly not.

Did

Did you ever endeavour to induce Dr. Willis to sign any account of his Majesty's health, which he (Dr. Willis) declared not to be correct, or sufficiently favourable, according to Dr. Willis's opinion?—Never.

Did Sir George Baker ever inform Dr. Willis that it was usual for Physicians to sign their names to statements of facts, which they were not sure were true and correct, for the sake of agreement?

Never.—I suppose I know what that alludes to.

To what does that allude?

It alludes to this:—One morning, when the Report was to be sent to St. James's, his Majesty was reported to have slept four or five hours I think—Dr. Willis insisted that the Report should run—"His Majesty has had a very good night."—Sir Lucas Pepys, who was there, and myself, said that we were very willing to say it was a good night—Dr. Willis peremptorily insisted that it should be written "A very good night;" otherways he would not sign it.—I said to Dr. Willis, upon this occasion, I never knew an instance, before the present, when, in matters of no importance, one Physician did not yield to two; however I will have no dispute with you, I will allow it to be a very good night.

Then you confine your opinion, that one Physician should yield to two in matters of little or no importance?—I do.

On whose report and authority did you form your judgment, with respect to the manner in which his Majesty had passed the night?

On the report and authority of the Pages, the Medical Attendant, and Dr. Willis.

Whether Sir George Baker does not conceive, that if the fact of the manner in which his Majesty passed that night was disputed, the Medical Attendant, and others, from whom Sir George Baker received his information, would be the persons who could give the most correct account of that fact to this Committee?—Certainly.

Do you recollect whether the Medical Attendant, or other persons attending, or any of them, said that his Majesty did pass a very good night?

I really cannot recollect—there is so little difference between a good night, and a very good night, that I did not think it worth charging my memory.

Sir George Baker then cannot say, upon recollection, that they did not say that his Majesty had passed a very good night?

I do recollect that Dr. Willis's son did state, that it was a very good night; as to the others, I cannot recollect.

Did Dr. Willis's son sit up with his Majesty?

I really do not know.

Is it usual for his Majesty to be attended by Dr. Willis's son through the night?—No.

Does Sir George Baker conceive, if the medical attendant, and the other persons whom Sir George Baker understood actually to have attended

tended his Majesty through the night, had reported to him that his Majesty had had a very good night, that he should have hesitated to have so stated it in the account?

I must observe, that the medical attendants do not fit up with his Majesty, so that our Report depends upon the Pages and Dr. Willis's men.

Whether the medical attendants are persons who could give the most correct information to this Committee, of the fact how his Majesty passed the night?

Certainly, if the medical attendant did not fit up, he could not.

Whether you do not think that those four medical attendants on his Majesty are capable of giving information, respecting his Majesty's situation, worthy the attention of this Committee, in addition to the information they receive from his Majesty's Physicians?

The four medical attendants are very sensible men; each of them stays in the house 24 hours in his turn; and I think each of them capable of giving this Committee satisfaction with respect to any questions they may ask.

Whether those Gentlemen have not frequent access to his Majesty when the Physicians are not present?—They have.

Whether they do not examine into the state and manner in which his Majesty passed the night, previous to the arrival of the Physicians?

They used to do so till lately.

How long have they ceased to do so, and upon what account?

I think it was last Saturday morning, that I saw a paper stuck up over the chimney of the Pages room, with an order to this effect: "No one, except the Pages, is allowed to go to his Majesty, except introduced by one of the two Dr. Willis's."

When was you at Kew before that time?

That must be Thursday.

Was the paper not there then?

I did not see or hear of it.

Does Sir George Baker conceive that he must have heard of it, if any such order had been then issued?

I conceive that I must have heard of it.

Does Sir George Baker know of any instances of improper persons having been introduced to his Majesty's apartment, either by the Physicians or others, to cause the issuing of that order?—No.

By whose authority was that order issued?

I asked Dr. Willis; he said that he wrote it, without any further answer.

Did Sir George Baker converse with any of the medical attendants respecting that order, or understand from them that they were excluded by it from entering, as they were used to do, his Majesty's apartment, unless with the permission of Dr. Willis or his son?

It was generally understood by the Physicians, that the order was intended to exclude them and the medical attendants, unless introduced by Dr. Willis or his son.

Did Sir George Baker hear, either from the Physicians, or from any of the medical attendants, any reason assigned, as the probable cause of that order?—No.

Was Sir George Baker at Kew on the Friday before that Saturday? No.

If there has been any error or imperfection in the account sent to St. James's, does Sir George Baker conceive it to have consisted in representing his Majesty's situation worse than it is?

If there has been any error or imperfection, it has been in representing his Majesty's state better than it is.

Is it usual, when a patient is put under the care of a person who has made this particular branch his study, for that person to be consulted respecting the persons by whom the patient is to be seen, or attended, and the time?

When I attend a patient with Dr. Munro, he and I consult and settle the times of attendance—the Apothecary goes in without his leave—and there is a certain attendant or two always with the patient.

Whether the Physicians, or some of them, since this order was made, have daily seen his Majesty?

Always, with Doctor Willis.

Whether, previous to the issuing of that order, and since Dr. Willis has been attending his Majesty, Sir George Baker has not had frequent opportunities of seeing and conversing with his Majesty, not in the presence of Dr. Willis or his son?

When his Majesty first came from Windsor to Kew, I conceived that I was at liberty to visit his Majesty at any time; but afterwards I found it was disagreeable to Dr. Willis that I should go in without him, and therefore I have of late very seldom, if ever, visited his Majesty but in company with Dr. Willis.

Whether Sir George Baker thinks he can form as accurate a judgment of the actual state of his Majesty, from conversing with his Majesty in the presence of Dr. Willis or his son, as when allowed to converse with his Majesty as he had used to do?

In my opinion, it makes very little difference.

Whether, by Dr. Willis's advice, a course of medicine has been prescribed to the King, different from that which had been previously used, or would have been otherwise recommended by his Majesty's Physicians?

No medicine has been given the King, since Dr. Willis's arrival, but with the consent of the other Physicians.

Question repeated.

I believe there was one pill of calomel given to the King by Dr. Willis's desire, but I know of no other.

Whether that had the desired effect in promoting his Majesty's convalescence?

It had the common effect of purges, and no other.

Whether before Dr. Willis's arrival, the peculiar mode of coercion and management, which has been since used, had been employed in the same way, or in an equal degree?

Neither in the same way, nor in an equal degree.

Have they produced that effect towards the King's convalescence, which was not experienced from the former management?

They

They have made his Majesty quieter, more manageable; but I am not sure that any thing has been done by them towards convalescence.

Is Sir George Baker sure that it was on Saturday the 3d instant, that he first saw the order that no person should be admitted into the King's apartment without the leave of Dr. Willis, or his son?

It is a thing I would not take my oath to, but I believe it to be so.

Did you then hear that any dispute, or material difference of opinion, had taken place on the preceding day, between Dr. Willis and Dr. Warren?

I had heard it before I saw the paper, and that it happened on the Friday.

Did you understand that it was upon the information received from some of the medical attendants, who had then access to his Majesty's apartment, that Dr. Warren had in some measure supported the opinion he maintained?—I certainly did.

Do you recollect that Mr. Charles Hawkins's authority had been quoted by Dr. Warren, on that occasion?

I heard that it had been quoted.

Does Sir George Baker conceive, that Dr. Warren, or himself, or any other Physician attending his Majesty, would now be deprived of the same means of information respecting the state of his Majesty in their absence, upon which Dr. Warren then formed, in part, his judgment, unless with the permission or consent of Dr. Willis or his son?

If that order, set up by Dr. Willis, takes place, it will not be in the power of any of those medical gentlemen to give us any information.

How long have you been employed as Physician to his Majesty?

Ever since the death of Sir Richard Jebb—about a year and a half, I think.

Has Sir George Baker attended his Majesty only, or has he been employed in attending the Royal Family?

Both his Majesty and all the Royal Family: I mean the Family at Windsor, and at Kew.

Is Sir George Baker now employed to attend on the Royal Family?

Only the King—not the Royal Family.

Whether there has been any direct or indirect attempt made, by any of the Physicians, at any time, to controul or influence you with respect to the account to be given of his Majesty's situation?

None.

Withdrew.

Doctor HENRY REVEL REYNOLDS called in, and examined.

Whether, in his opinion, the state of his Majesty's health does, or does not, continue to be such as to render his Majesty incapable, either of coming to Parliament or of attending to public business?

It does render him incapable, unquestionably.

What hopes does Dr. Reynolds now entertain of his Majesty's recovery?

I think there are the same hopes now that there were before; not less certainly.

Can Dr. Reynolds now form any judgment, or probable conjecture, of the time that his Majesty's illness is likely to last?

No, I cannot.

Whether, in his Majesty's disorder, Dr. Reynolds sees any present signs of convalescence?

His Majesty is more quiet, more observant of the admonition of his Medical attendants, in perhaps a still better state of general health, which are favourable circumstances, and which, I hope, lead to amendment; but I cannot say that there is any actual amendment at present in his Majesty's principal complaint.

Whether, in Dr. Reynolds's judgment, the chance of his Majesty's recovery (all circumstances that have fallen within his observation being duly attended to) is greater, or less, than it was at the time Dr. Reynolds was examined before the former Committee? or whether, in his judgment, the chance of his Majesty's recovery is as good as it then was?

The chance of his Majesty's recovery is certainly as good now as it was then, in my opinion.

Does Dr. Reynolds conceive that the duration of his Majesty's illness up to this time (all circumstances of his Majesty's case being duly attended to) does, or does not, decrease the chance of his Majesty's recovery?

The duration hitherto certainly does not militate against his Majesty's recovery; few recover so soon from such maladies.

Whether, from Dr. Reynolds's observation, his Majesty does, or does not, appear to be more easily controuled now than he was a fortnight ago, under the same species of care and management?

I think his Majesty is more easily controuled.

In the judgment of Dr. Reynolds, and according to his observations in cases of this kind, is the circumstance that a patient is more easily controuled, a favourable circumstance towards his recovery?

It is frequently a previous step to it.

Whether it is usual, in cases such as his Majesty's, for Physicians, who have not made such cases their particular study, to call in the assistance of physicians who have made those cases the subject of their particular attention?

That depends very much upon the particular circumstances of the patient in many respects; in the first place, the pecuniary circumstances of the patient influence you in proposing a consultation with another Physician: In the next place, it will depend upon the symptoms of the particular patient; if no restraint or coercion is necessary, from the particular circumstances of the case, every Physician of experience will, I have no doubt, think himself competent to conduct a patient in such a case; I mean at the same time to be understood, that in that case, as in every other, no liberal man will have any objection to a consultation if called for.

If, in this disorder, restraint and coercion does become necessary, whether Physicians of general practice do not usually call in the assistance of Physicians who have made this branch of medicine their particular study?

It is usual, and for these reasons amongst others—that Gentlemen, who have dedicated themselves to that particular object of practice,

have

have usually houses of reception for patients so circumstanced, which they superintend; from them therefore proper assistance can be procured; and as it is necessary to avoid all causes of emotion in such patients, it may be proper to remove those patients from their own families, that the objects, which are most apt to excite those emotions, may be kept from them.

Dr. Reynolds says, that it is usual for these reasons amongst others; what are those other reasons?

I cannot recollect all those reasons immediately; some of them are, perhaps, points of etiquette. We should be glad to have the benefit of the experience of such Physicians in cases of this kind.

Whether such Physicians, who have made this branch of medicine their particular study, do not, from their constant opportunities of making observations upon the cases of persons so disordered, acquire the habit of judging better upon the probability of the recovery of patients, than other Physicians who have not made that branch of medicine their particular study, and who have not the same constant opportunities of making the like observations?

That must in a great measure depend upon their relative capability of observing, and upon their fidelity in recording what they observed; those being equal, the greatest experience must have the preference.

Would Dr. Reynolds think a person, who has made this branch of medicine his particular study for twenty-eight years, and under whose care nine out of ten of the persons who have been put under that care within three months after they had begun to be afflicted with that disorder had recovered, a person skilful in such cases?

Yes, if I could believe the fact.

Whether, to induce Dr. Reynolds to believe such a fact, he would not require some further evidence than the assertion of the person who stated himself to have been so successful?

I certainly should require further evidence than the assertion of any man, to induce me to believe such a fact.

Does Dr. Reynolds consider an assertion made before this Committee, though not upon oath, as made under an obligation, on the part of the person making it, to speak the truth, equal to an assertion made upon oath?—I consider myself under the same obligation.

If a Physician of long experience asserted that he had from eight to ten patients usually at a time, for five years together, in a house, and never had more than four patients who were not cured within the year, and continued well as far as he ever knew; and that, if any of those persons had relapsed, he believed, from the partial opinion of their families, he should have heard of it; he would require further evidence of the truth of that fact?

I should not be satisfied without further evidence than assertion, though I do not mean to impeach the credibility of any one.

Whether, in Dr. Reynolds's opinion, his Majesty's bodily strength has increased, or declined, during the last month?

His Majesty's bodily strength certainly has not declined; I am not competent to judge of any increase of it, for it is not put to any exertion; he appears to be alert and active.

Whether Dr. Reynolds thinks his Majesty's bodily health thriving or declining?

I think

I think his Majesty's general health is improved within the last month.

Whether Dr. Reynolds now entertains hopes of his Majesty's more speedy recovery from his present malady, than when he was last examined?

It is impossible to ascertain the time, I cannot venture even to hazard a conjecture.

Whether, after it has become necessary to resort to that particular mode of coercion applied by persons particularly conversant in that branch of medicine, the patient so coerced is to be considered as affected with the disorder in a greater degree than before such coercion became necessary?

There is a state without turbulence, which equally incapacitates a person from transacting business as the turbulent state which does require coercion.

In which of the two states is there a greater prospect of a speedy recovery?

When a patient afflicted with this malady, who has been turbulent, ceases to be so, he may be said to be in a state more favourable to recovery than while he continued in this turbulent state.

Whether Dr. Reynolds knows, or has any grounds of informing the Committee, whether the majority of persons afflicted with this malady at his Majesty's time of life have recovered?

I have not sufficient grounds to answer that question.

Do you consider a perfect state of bodily health, co-existing with a complete mental distemper, a very good symptom towards recovery of the mental disorder?

If a patient shall have been several months, perhaps a year, afflicted with the mental disorder, which disorder remains without diminution, I should not consider perfect bodily health as promissory of recovery from the mental disorder.

Whether the improvement of bodily health, without any proportionate improvement of mental sanity, becomes a probable symptom of mental convalescence?—In a recent case I think it is.

Whether, in the case before us, a state of quiet has not often succeeded a state of irritation, and a state of irritation a state of quiet—and what was the difference observed in each state with regard to mental sanity in this case?

There have been frequently such vicissitudes, and there have been nearer approaches to reason in a state of quiet than in a state of turbulence; but I think not invariably so; this is to the best of my recollection at present.

Was Dr. Reynolds present at a discussion which took place on Friday the second instant, between Dr. Willis and Dr. Warren, respecting the account which was that day sent to St. James's?—I was.

Relate what passed upon that occasion.

When Dr. Warren came down to Kew on Friday morning the second instant, I saw him before he visited his Majesty, and told him how I had found his Majesty the evening before, and that morning when I visited him. After Dr. Warren had waited upon his Majesty, he came into the room where we usually consult, and, after agreeing upon the prescription for the day, we proceeded to consider what report we should send to St. James's; there were then present in the room, Dr. Warren, Dr. John Willis, and myself; and, as nearly as I can recollect, Dr. Warren and I agreed upon this Report: "His Majesty passed yesterday quietly, has
" had

“ had a very good night, and is calm this morning.” I wrote it, read it over, and Dr. John Willis objected to it, alledging that it was not descriptive of his Majesty’s amendment, for that he certainly was much better, having, on the preceding day, and on that morning, said many pertinent and rational things. Dr. Warren contended, that several things said properly proved nothing; but that some things said immediately afterwards improperly were decisive. Dr. John Willis contended, that a mitigation of symptoms was amendment. Dr. Warren did not consider that any amendment could take place, till there was an interval of an hour, or more, of reason and judgment. While they were in this argument, Dr. Willis, sen. came in, was shewn the Report intended to be sent to St. James’s, and did not at first reading it disapprove of it; but upon Dr. John Willis’s observing, that it did not contain so favourable an account of his Majesty’s situation, as the Report which had been sent on the preceding day, he objected to it, contending that there was a material amendment, which ought to be reported.—Dr. Warren and myself, not seeing his Majesty’s state in the same light, thought that the Report held out sufficient hopes to the public. Doctors Willis (I think both, but I am certain Dr. Willis, sen.) observed that the Queen would not suffer it to go so; and I cannot exactly recollect what words immediately followed, but Dr. Willis, sen. addressing himself to Dr. Warren, said “ that it would fall upon him :” That expression I particularly remember.—We talked again upon the subject, and drew up the following Report: “ His Majesty passed yesterday much in the same manner as “ he did the day before, has had a very good night, and is this morning as he was yesterday.” This Report was carried up stairs, and when returned, it was accompanied with a desire that we would add to the end of the last sentence, “ continuing mending :” I speak to the best of my recollection.—This seemed to Doctor Warren and myself more than the state of his Majesty authorized us to say. Doctor Warren therefore desired the honour of an audience of her Majesty, which was granted; and when he returned, the last part of the Report was altered as follows: “ and is this morning in a comfortable way,” instead of “ is this morning as he was yesterday.” I speak from memory—I have no notes. Dr. Willis continued arguing warmly with Dr. Warren, while I was writing the three Reports—they were in the next room to that in which I was writing—the door wide open; and I heard Dr. Willis say to Dr. Warren, amongst other expressions of disagreement with him in opinion, that if Dr. Warren held the opinion which he maintained, that it impeached his common sense, or something else; to which Dr. Warren made no reply, only desired the persons present, among whom were Lady Harcourt, Lady Charlotte Finch, and General Gordon, to observe that Doctor Willis had made use of such an expression. Dr. Warren conducted himself, through the whole of this unpleasant business, with admirable temper.

Does Dr. Reynolds recollect sufficiently the conversation which passed between Dr. Warren and Dr. Willis upon that Friday, to take upon himself to say positively, whether the following circumstances occurred between those persons at any time that day; namely, Whether Dr. Willis asked this question of Dr. Warren, or any question to this effect: “ If a person in such an indisposition as his Majesty, should not say one “ sensible word in twenty-four hours, and in the next twenty-four should “ say but one word, that he would not say if he was not indisposed,

“ Whether

“ Whether Dr. Warren should not think him better.” If any such question, or any question to that effect, was asked by Dr. Willis, whether Dr. Reynolds can say positively, that Dr. Warren did, or did not, answer “ No,” or what other answer, he gave to it?

I think I recollect that some such question was proposed by Dr. Willis to Dr. Warren, but I do not remember that Dr. Warren said “ No;” as he admitted, if a person in the situation of his Majesty, was for the space of one hour or more, like himself, that he should think him mended. I remember this observation was made by one of the Dr. Willis’s to Dr. Warren, or something to this purpose, “ You will not allow a person in this state to be better till he is well?”—“ Yes, I will,” said Dr. Warren, “ when I see him have an interval, for the space of an hour or two, of reason and judgment, but not till then.” This is as nearly as I can recollect.

Does Dr. Reynolds recollect what were the words which Dr. Warren had used immediately before one of the Dr. Willis’s said to him, “ You will not allow a person in this state to be better till he is well?”

No, I do not.

Is the Committee to understand, that Dr. Warren did not answer to Dr. Willis in this argument, “ that he should think no person better till they were perfectly well?”

Dr. Warren did not say that in my hearing.

Did he say, in Dr. Reynolds’s hearing, “ that he should think a person better if he was himself for an hour or two?”

Yes, he did.

Does Dr. Reynolds hold himself responsible in his character to the public, for the truth of the accounts sent to St. James’s, and signed in his name?

I have always wished to give, in that Report, as favourable an account of his Majesty’s health as I could consistent with truth.

Did Dr. Reynolds ever endeavour to induce Dr. Willis to sign any account of the King’s situation, by any vehement argument or dispute, which Dr. Willis declared to be contrary to his opinion?

Never.

Did Dr. Reynolds ever inform Dr. Willis, that it was usual for Physicians to sign their names to statements of facts, which they are not sure are true or correct, for the sake of agreement?

I never did.

Did Dr. Reynolds ever tell him, that in such matters the opinion of one should give way to the other two, and that he was surprised he should hesitate about it?

No.

Should not Dr. Reynolds consider the signing his name to any account sent to St. James’s, which tended to mislead the public into a less favourable opinion of his Majesty’s state than the fact warranted, as equally culpable in him, as the giving untrue information to this Committee?

I should think it highly culpable to do so.

When

When did Dr. Reynolds first hear of the order, that no person should be admitted into his Majesty's apartment, without the permission of Dr. Willis, or his son?

I first observed that written order fixed above the chimney, in the Pages room, on Sunday last.

Does Dr. Reynolds know when it was first put up?

I understood it was put up on Friday last; it was not put up when I was last in that room on Friday.

Was that the day on which the difference of opinion happened between Dr. Willis and Dr. Warren?

It was.

Did Dr. Reynolds or Dr. Warren in any measure ground the opinion, which induced them that day to differ from Dr. Willis, upon information received from Mr. Charles Hawkins, or other of the attendants who were then permitted to have access to his Majesty's apartment?

I formed my opinion from what I personally observed in his Majesty.

Did Dr. Reynolds hear Dr. Warren quote the authority of Mr. Hawkins's representation of the state in which the King had been in, in support of his objection to signing the altered Report?

I did hear him.

Does Dr. Reynolds know, or did he ever hear, of any improper persons having intruded, or being admitted into his Majesty's apartment, to make the issuing of that prohibition necessary?

I do not know any thing that has made that prohibition necessary or proper.

By what authority did Dr. Reynolds understand that notice or order to have been fixed up in the Pages room?

As it did not seem to me to be signed by any person of authority, I paid no attention to it myself, and made no other enquiries about it, except who put it there; and was told Dr. Willis; but I took a copy of it. I did hear Dr. Willis to-day, in the outer room here, say that it was put up by the authority of the Lord Chancellor, which I did not hear before; he said so in my presence, and, I think, in that of Dr. Gisborne.

Whether, in Dr. Reynolds's opinion, the four Medical Assistants, who are in constant attendance on his Majesty, are not competent to give information worthy the attention of this Committee, in addition to that of the Physicians?

I think them all men of sense and judgment, and believe them to be men of integrity.

In what state did Dr. Reynolds leave his Majesty to-day?

Pretty much, I think, in the same state as when I saw him the time before—a state of composure and quiet, but not in a mended state respecting his mind.

Whether the four Medical Persons do not, from time to time, report to the Physicians the several circumstances of his Majesty's case, in order to enable those Physicians to form their judgment upon his Majesty's case?

The Physicians form their judgment from what they hear of his Majesty in their absence, and from what they personally observe when they have the honour to wait upon him.

Whether the Physicians do not receive information, with respect to what passes in their absence, from the Reports of these Medical Gentlemen, or some of them?

They do receive information from them, and require it from all who they think are capable of giving them useful information.

Dr. Reynolds having said, that the chance of his Majesty's recovery is certainly as good now, in his opinion, as it was when he was formerly examined before the other Committee—Is that Dr. Reynolds's opinion, after giving due attention to all the circumstances which he has mentioned in his examination this day, and all other circumstances which have fallen under his observation, and notwithstanding any difference of opinion which may have arisen between any of his Majesty's Physicians?

It is my opinion.

Withdrew.

Veneris, 9^o die Januarii 1789.

Doct^r THOMAS GISBORNE called in, and examined.

WHETHER, in his opinion, the state of his Majesty's health does, or does not, continue to be such as to render his Majesty incapable, either of coming to Parliament, or of attending to public business?

I think him incapable of coming to Parliament, or of attending to public business.

What hopes does Dr. Gisborne now entertain of his Majesty's recovery?

I think as before, that there are still hopes of his Majesty's recovery.

Can Dr. Gisborne now form any judgment, or probable conjecture, of the time that his Majesty's illness is likely to last?

No, I cannot.

Whether in his Majesty's disorder Dr. Gisborne sees any present signs of convalescence?

I think the state of his Majesty's bodily health is better than it was three weeks ago, and that he is more quiet;—it may therefore be hoped, that these possibly may be the prelude to further amendment.

Whether the state of his Majesty's bodily health is now perfectly good, or has been at any time since the commencement of his present disorder?

I think that can hardly be said.

Whether his Majesty's particular malady arises from the state of his bodily health, to which Dr. Gisborne alludes?

No, I think not.

Whether you have ever endeavoured to influence or persuade Dr. Willis to join in any Report of the state of his Majesty's health, contrary to his, Dr. Willis's judgment upon it?—Never.

Do

Do you know any other Physician that has?—No.

Did you ever inform Dr. Willis that it was usual for Physicians to sign their names to statements of facts, which they are not sure are true or correct, for the sake of agreement?—No.

Did you ever tell him, that in such matters, the opinion of one should give way to two, and that you was surprised he should hesitate about such matters?—No.

Would any motive or argument induce you to sign your name to the account sent to St. James's, respecting the state of the King's health, which you did not in your conscience believe to be substantially true?

Certainly not.

Should you not consider the signing your name to an account of that sort, tending to mislead the public into a less favourable opinion of his Majesty's state than the fact warranted, in the same point of view as giving information to mislead this Committee?—Yes.

Whether, if there has been errors or imperfection in the accounts sent to St. James's, you conceive it to have consisted in representing his Majesty's state to be worse than it is?

I know of no error; and I was ever as cautious as possible, that the hopes or fears of the public should not be misled.

Whether the Report sent to St. James's does not always contain a full state of his Majesty's real situation?

I think it impossible that it should.

Has it ever mentioned his Majesty's malady at all?

I think his Majesty's malady is easily to be collected from it.

Is there any thing in such reports that tends to give the public any idea of his Majesty's convalescence from, or growing worse in the symptoms of, his peculiar malady?

There have hitherto hardly been any symptoms of either kind to be told.

When did you see or hear of the order that no person should be admitted into his Majesty's apartments without the leave of Dr. Willis or his son?

I forget; I believe about a week ago.

Do you know, or have ever heard, that any improper persons have been admitted into his Majesty's apartment, to make that order necessary?

No; I know of no improper persons.

By what authority do you understand that order to have been issued?

I was told it was put up at Dr. Willis's desire.

Whether you ever learnt what authority Dr. Willis had for putting up that order?

I think I heard him say he thought too many people went in to the King, and that the Chancellor advised him to do that, or something else, to prevent it.

Had too many or any improper people been admitted, to your knowledge?

Not to my knowledge;—I was not constantly there, therefore cannot tell.

Were not three persons of Dr. Willis's own family, himself included, of the number of those who went in to the King?—Yes.

Is there not one of that family who is no Medical Attendant?

One of them is a Clergyman, and, I believe, does not call himself a Physician.

Does Dr. Gisborne know whether any persons have gone in to his Majesty at improper times?—No; I do not.

Does Dr. Gisborne know whether his Majesty has, or has not, been prevented from sleeping, by the circumstance of any persons going into his room?—No; I do not know that.

Has he been prevented from sleeping?—I do not know.

Did Dr. Gisborne understand by that order, that the Physicians themselves were not to be permitted to see the King, without Dr. Willis's or his son's permission?

The words of the paper are, that no persons, except the Pages, shall be permitted.

Then you did understand it to extend to the Physicians?—Yes.

Does Dr. Gisborne, when he goes to Kew, make enquiry of all or any of the four medical attendants, who are in constant waiting on his Majesty, to assist himself by their information in forming his opinion on the King's state?—Yes, I do.

Does Dr. Gisborne conceive that he should be deprived of the means of material information, if all those Gentlemen were excluded from access to his Majesty's apartment?—Yes.

Did Dr. Gisborne hear of any dispute, or material difference of opinion, which had arisen on Friday, the 2d instant, between Dr. Willis and Dr. Warren?—None, relative to the treatment of his Majesty.

Did you hear of any such dispute, or difference of opinion, relative to the state or condition of his Majesty?—No.

Whether, in Dr. Gisborne's opinion, the four medical assistants, who are in constant attendance on his Majesty, are not competent to give information worthy the attention of this Committee, in addition to that of the Physicians?—Yes, surely.

Whether any medicine is administered to the King, by the prescription of Dr. Willis, unknown to the other Physicians?—No.

Whether there has been any particular medicine, at the suggestion of Dr. Willis, and soon after his arrival, administered to the King?

Not without consultation of the rest, that I know of.

Does

Does Dr. Gisborne recollect Dr. Willis having recommended any particular medicine, in order to meet and counteract what he, Dr. Willis, conceived to be the cause of his Majesty's malady?

I do not think I understand the question.

Does not Dr. Gisborne imagine, from this account given by Dr. Willis, viz. "That from the particular detail of his Majesty's mode and manner of life for 27 years, I do imagine, that weighty business, severe exercise, and too great abstemiousness, and little rest, has been too much for his constitution. It is very early to give an opinion, and I may be mistaken, but I am the more inclined to think myself right, because the medicine that has been given his Majesty ever since Sunday morning, and was intended to meet and counteract those causes, has had as much effect as I could wish," that Dr. Willis refers to some medicine recommended by himself?

I suppose he does.

What was that medicine, which had the effect stated by Dr. Willis, in counteracting those causes of his Majesty's malady, namely, "weighty business, severe exercise, too great abstemiousness, and little rest, for a course of 27 years?"

I have not the Recipe in my pocket.

Does Dr. Gisborne recollect, whether there was any thing peculiar and new in the medicine?

The medicine was approved of in consultation by us all.

Have you no recollection what it was, it having produced, as Dr. Willis states, as much effect as he could wish, and counteracting all those causes?

I think these are questions for Dr. Willis alone to answer.

Had the medicine, in your judgment, any effect in meeting and counteracting those causes?

I think none of our medicines have had the effect to be wished.

Was his Majesty gradually better, from the first six hours after he took it, to the time of your former examination before the Committee?

Not materially, that I know of.

Whether, since the order alluded to, Dr. Gisborne continues to have every means of observation and information which he deems necessary to direct his judgment upon the actual state of his Majesty's health?

Yes I have.

Whether Dr. Gisborne observes any material difference in his Majesty, at such times as he visits him in the presence of Dr. Willis or his son, and at such times when neither of those gentlemen are present?

I think he is more quiet when they are present.

Does Dr. Gisborne know that any of the four medical assistants have at any time been refused admission to his Majesty, and thereby prevented from procuring the information necessary to be laid before the Physicians?

I really do not know.

Has Dr. Gisborne ever heard them complain of any such refusal?

I have not heard them complain.

Whether, before that order, any of the medical attendants saw his Majesty early in the morning before any of the Physicians, or sat up with him in the night?

Yes

Yes—they have, I believe, got up to him in the night—I believe they never sat up with him—they have seen him early in the morning before the Physicians.

Whether, since that order, they have been permitted to see him as usual, without Dr. Willis or his son's being present?

I don't know.

Since that order, in what manner, when those medical gentlemen are called upon by the Physicians, do they make that Report?—do they make it in the presence of Dr. Willis and his son, or by themselves?

It is accidental whether they are present or not.

Dr. Gisborne having observed, that in the presence of Dr. Willis or his son, his Majesty is more quiet, he thinks—Whether Dr. Gisborne apprehends that the reducing a patient labouring under his disorder into a state of quiet, is, or is not, likely to be one of the means of bringing about his recovery?

I think quiet to be good for such patients.

Whether, if the effect of Dr. Willis's presence is to render his Majesty more quiet, it does not make any judgment formed of the state of his Majesty's mind at that time more uncertain?

No.

Whether Dr. Gisborne does not think that the judgment formed of the state of his Majesty's mind, by a Physician seeing his Majesty in the presence of Dr. Willis, might be different from that which he would form if Dr. Willis was not present?

Not if he were a Physician of judgment.

Whether Dr. Gisborne, in his conscience, thinks, after duly attending to all the circumstances of his Majesty's case which he has related to this Committee, and to all the circumstances of his Majesty's case which have fallen under his observation, or come to his knowledge, and notwithstanding any disputes which may have taken place between his Majesty's Physicians, or any of them, either relative to his Majesty's case, or other subjects, that his Majesty's chance of recovery is greater, or less, than it was, or as good as it was, when Dr. Gisborne was examined here by the former Committee?

The time elapsed is short, and therefore I think the chance as good.

Withdrew.

The Reverend Doctor FRANCIS WILLIS again called in, and examined.

Whether, the several circumstances of his Majesty's case, which have fallen within your observation, or come to your knowledge, being duly attended to, you, in your conscience, think that the chance of his Majesty's recovery is greater, or less, than, or as good as, it was when you was examined before the former Committee?

Much greater.

When Dr. Willis says, that the chance of his Majesty's recovery is much greater, does he found his idea that the chance is much greater upon his observation that, in his Majesty's case, such circumstances have occurred as he has usually observed in the case of persons who have laboured under the same malady and afterwards recovered?

Certainly. Yes.

Does

Does Dr. Willis consider his Majesty's age as making a material difference in the chance of his Majesty's recovering or not recovering, after duly attending to all the circumstances of his Majesty's case which have fallen within his observation, and come to his knowledge?

I do not judge that the age is of any signification, unless the patient had been afflicted before with the same malady.

Dr. Willis having stated to the Committee, that his Majesty, a fortnight ago, would take up books and could not read a line, but that he will now read several pages, and make, in his opinion, very good remarks upon the subject; Does Dr. Willis's observation and experience of what has happened in other cases, enable him to say that such a circumstance does, or does not, afford him a more solid ground of hope of his Majesty's recovery, than he had when he was examined before the former Committee?

Certainly a more solid ground of hope of his Majesty's recovery.

Is that hope the effect of the Doctor's judgment, formed upon his experience of twenty-seven or twenty-eight years?

Certainly.

In the judgment of Dr. Willis, who has said that his Majesty is very irritable, is his Majesty more or less frequently in an actual state of irritation than he was about the time when Dr. Willis was examined before the former Committee?

Nothing near so frequently irritated; and when irritated, the irritation does not last a tenth part so long.

Has Dr. Willis, in his observation and experience, or has he not, remarked, that a change of the same nature has usually taken place in the case of patients who have afterwards recovered?—Yes.

Dr. Willis having said, in his examination before the former Committee, that his Majesty's irritation had then in a great measure subsided; Did Dr. Willis mean, when he so expressed himself, that the irritation was at that time less than it had been when he first saw his Majesty? or did he mean to suggest, that the irritation had then subsided in such a degree as to make what Dr. Willis calls firm coercion unnecessary?

I was at that time in hopes that the irritability would not be so great as to require any firm coercion; and perhaps, had there been no blisters applied to his Majesty's legs, which had an effect upon his nervous system, which I was not aware of, from being told that his Majesty was scarce sensible of the blisters that had been applied at Windsor, there never would have been any occasion for such coercion; but his Majesty's blisters not operating kindly, had a very extraordinary effect, as I thought, upon his whole system, and made me sensible that we were wrong in applying the blisters—though perhaps in the end they may not have retarded a cure.—For the same medicines that I apprehend had abated his Majesty's irritability at that time, have been continued ever since, except about eight days; and I have reason to think has had the intended effect.

Whether, in point of fact, when Dr. Willis was examined before the former Committee, his Majesty's irritation at that time had in a great measure subsided?

It had subsided greatly, in comparison to what it was when I first came and first saw his Majesty, and gave me great hopes that the medicine was given with a proper intention.

What did the medicine, which has had the effect you speak of, consist of?

The Bark and Saline Medicines occasionally. The Bark sometimes every four hours, and sometimes a Saline Draught.

Whether any pills were part of this system of medicine?

We thought it necessary to give occasionally, within those eight days, Alterative Pills, with a very trifling part of Calomel.

Whether his Majesty had not taken Bark before you prescribed for him?

I understood his Majesty had at Windsor, for one day or two,—but I do not know;—upon enquiry, it was thought his Majesty was calmer afterwards.

Whether the medicine which you mentioned in your examination before the former Committee, as having been given his Majesty since the Sunday preceding that examination, was, according to the accounts which you had received, understood to be different from the medicine which his Majesty had been in the course of taking for some time before that Sunday?

Very different, to the best of my memory and information—Indeed it was mentioned to me, that it was intended to give his Majesty that medicine, if they had not expected my coming.

Whether you, when you first attended his Majesty, did not look over the file of prescriptions made before you came to attend his Majesty?

I did not, but had a general account from Dr. Warren, as we went down to Kew, what medicines had been given.

Dr. Willis having said, in his examination before the Committee, that he kept a house for twenty-eight years for the reception of persons afflicted with this disorder; Whether he can give to the Committee an account of the gross number of persons entertained in his house, from his first admitting such patients, to the present time?

I can give no account.

If you can give no account at present, have you no means, by consulting your papers, of giving that information to the Committee?

Not any—I have not kept any account at all.

Can you inform the Committee what number of persons have been dismissed from your house as radically cured, from the beginning of your undertaking this business?

I can give no account; nor have I been confined to one house or ten houses, because I put the patients to such places as suited their pecuniary circumstances.

Having said that this business was not confined to one, but to many houses, whether you can give any account upon the whole of the number of persons radically cured?—Not at all.

If you can give no account to the Committee of the whole number of persons that have been received at your houses, and no account of the number of patients that have been dismissed from your houses as radically cured, upon what ground did you say, in your former examination, that you do not think you should speak false, if you said, that nine out of ten, of those that had been put under your care, within three months after they had begun to be afflicted with the disorder, had recovered?

My first calculation and observation, concerning the numbers cured, was from my remarking that the first fifteen were cured; and I had often recollected, upon retrospection, that ten had gone together, and that

I very

I very rarely missed curing any that I had so early under my care: I mean radically cured.

Whether, from all the circumstances Dr. Willis has stated, in his answers to the preceding questions, relative to the actual state of his Majesty's health, he has reason to entertain hopes of his Majesty's more speedy recovery, than when he was examined before the former Committee?

Yes.

Upon what particular grounds are those hopes founded?

Because every bad symptom is abated—and his Majesty will attend to any subject, in a much better manner than I ever hoped he would do within this period of time.

Whether, in those patients, who have been completely cured within five or six months, a considerable progress towards acts of convalescence has been generally made within the first month?—No.

Has the progress now made in his Majesty's case, been as great, or greater, than has been usually made within the same time in such cases?

I think greater.

In Dr. Willis's answer to the second Question put to him when he was last examined before this Committee, why has he spoken less positively of the certainty of his Majesty's cure, as at present situated, than he would of a patient under the same indisposition in his house?

On account of his station in life, which requires more attendance, and more persons to see his Majesty: Also, his Majesty's ideas of who he is, and the feelings that his present indisposition may occasion.

Whether patients labouring under this indisposition, while under Dr. Willis's care, are usually under such a degree of controul in his presence, as to influence their conversation and behaviour?

Very frequently.

Whether a person, who has not particularly dedicated himself to this branch of medicine, is able to form a certain judgment of the state of the mind of a patient so afflicted, by seeing and conversing with such patient only in the presence of Dr. Willis, or of any other person who has acquired the same degree of influence over the patient?

Yes, if they converse with them for a length of time and frequently.

Dr. Willis having said that he can give no account of the numbers who have been under his care, he is desired to inform the Committee, as well as he can from memory, what the number may have been?

They certainly amount to many hundreds; I have attended many in Nottinghamshire and Yorkshire, who were not in my house.

Dr. Willis having said that his first 15 patients were cured, and had often recollected, on retrospection, that 10 had gone together; does he mean to say, that he had often recollected one instance of 10 going together, or that he had recollected many instances of 10 going together?

Several instances of 10 going away successively.

Does Dr. Willis mean that 10 persons, who had come successively one after another, had all gone away cured, consequently that no one of those 10 had remained uncured?

I mean that.

From Dr. Willis's observations upon his Majesty since his examination before the former Committee, is he confirmed or altered in his opinion, that weighty business, severe exercise, too great abstemiousness, and little rest, have contributed to occasion his Majesty's present complaint?

Yes, confirmed.

From whence do you derive this confirmation of your opinion?

From quiet, and the effect of tonic medicines.

Whether those circumstances which Dr. Willis has particularly mentioned in stating the ground of his more favourable hopes of his Majesty's recovery, have been communicated or known to the other Physicians?

I have told the Physicians my opinion, and gave my reasons for it, and have kept nothing a secret from them.

Whether the pills you mention to have been given his Majesty within these eight days have been given upon your suggestion?

Yes.

Whether you recollect if any pill, with a portion of calomel in it, had been given a little before the time of your former examination?

Yes; it was the first night I came, I believe it made two pills; and it was thought right that his Majesty should have a cathartic draught the morning after, in order to prepare him for the bark.

Whether the calomel pills were the medicine which you alluded to, when, in your former examination, you say, "that the medicine given his Majesty ever since Sunday morning, and intended to meet and counteract the causes of his Majesty's malady, had had as much effect as you could wish?"

The pills and the draught were, as I said before, preparative to his taking the bark, which was the medicine I alluded to.

Whether the bark was given, at the time alluded to, by your suggestion?—Yes.

Withdrew.

Doctor RICHARD WARREN again called in, and examined.

Dr. Warren desires the two following questions and answers to be read; viz.

Q. "Whether Dr. Warren ever saw any paper, purporting to be a copy of this letter supposed to be written at twelve o'clock at night; and if he did, by whom the same was shewn to him?"

A. "I do not recollect that I ever saw a paper purporting to be a copy of it."

Q. "Can Dr. Warren take upon himself to say, that he never did see any paper purporting to be a copy of the letter supposed to be written at twelve o'clock at night?"

A. "No; I do not recollect that I did."

Dr. Warren then stated,

Late on Wednesday night the Committee asked me, Whether I had not seen a copy, or something that purported to be the copy of a letter supposed to be written by Dr. Willis to Mr. Pitt at twelve o'clock at night, during the debate on the day of the first division in the House of Commons. I could not at that time recollect any thing to which I could apply the word

word "copy" but the next morning I recollected, that on my arrival at Kew, the day after I had heard the rumour of such a letter being written, Sir Lucas Pepys informed me, that he had a message for me from the Prince of Wales, who had been at Kew the night before, and had ordered him to deliver the message to me when I should come the next morning. Sir Lucas had taken the message down in writing, from his memory, soon after the Prince left him. The message was to desire me to enquire into the state of his Majesty's health at a particular time, because the Prince had been informed, that a letter had been written by Dr. Willis, stating, that the King was in a very good way at that time, when the Prince had understood that he really was not so, and then recited other words of the supposed letter, which I cannot recollect. I do not remember that I took this paper from Sir Lucas. I remember that, in talking about this letter, I made use of the word "copy," when I ought rather to have said, that I had only seen an account of the letter in writing. The first account of such letter being written, I learnt from rumour; the next information that I had of it was from the message delivered to me by Sir Lucas Pepys.

Whether, in consequence of the message delivered to Dr. Warren by Sir Lucas Pepys, he did, or did not, afterwards inform the Prince of Wales of the enquiry which he had made, with respect to the truth of the supposed fact which was the subject of that message, and of the circumstances which had taken place between Dr. Warren and Dr. Willis, in consequence of that enquiry?

I did; and the next day, or second day after, I acquainted the Prince that I had done wrong with respect to Dr. Willis, as I could not find that any letter had been written by him at the time mentioned; that I must retract what I had said to Dr. Willis, and acknowledge my error.—He approved of my intended conduct.

Is Dr. Warren still unable to name any other person besides Sir Lucas Pepys, from whom he received information that Dr. Warren had written the letter in question?

I positively declare, that I do not know from whom I first heard the report, and I paid very little attention to it till I received the message from Sir Lucas.

Had Dr. Warren, upon his last examination, when he said that he did not recollect from whom he received his information, that the letter mentioned in the former question had been written, and said, that the substance of the supposed letter had been stated to him in general terms, forgotten the circumstance of the message having been delivered to him from the Prince of Wales by Sir Lucas Pepys upon that subject, such as he has now stated?

I declare positively, from the fatigue of examination, or some other circumstance, I know not what, I could not recollect it; I took pains about it as soon as I left the Committee, and, as I was going to Kew the next morning, I gradually made it out, and immediately determined to acquaint the Committee with it as soon as I had an opportunity, though I knew it was at the expence of appearing to have concealed the truth the night before.

When did Dr. Warren put in writing what he had thus recollected on his road to Kew?—Soon after I got home yesterday.

Did Dr. Warren communicate this paper to any body before he read it to the Committee?

I communicated it to my brother this morning ; I read it to the Prince of Wales about noon ; I read it over with my son this afternoon.

Does Dr. Warren understand that the Prince of Wales, having heard the same report which he (Dr. Warren) had heard before, desired Dr. Warren through Sir Lucas Pepys, to enquire into these contradictory reports, as stated in the message delivered by Sir Lucas Pepys ?

Yes.

Did the Prince of Wales direct Dr. Warren to take any further measure, or to make any communication to any other person on the subject ?

No.—I am not quite sure whether he did not desire me to speak to the Chancellor upon it.

Whether Dr. Warren knows, or has any reason to believe, that Dr. Willis has signed more favourable accounts of the King's health than Dr. Willis believed to be true, though Dr. Warren differed in opinion with him ?

I cannot possibly tell what Dr. Willis believes.

Question repeated.

I do not know ; I cannot assign any reason to believe it, but that it differs very much from my own way of thinking.

Whether Dr. Warren has received any advice, counsel, or command, from any person, to represent the King's malady in a worse condition than he found it ?

No.

From whom did Dr. Warren receive directions, and to whom did he conceive himself accountable, in his conduct and attendance on his Majesty, while his Majesty remained at Windsor, since the commencement of his present malady ?

The Prince of Wales.

Did the Prince of Wales then take upon him to direct that the orders, advice, and regulations of the physicians should be duly carried into execution ?

Yes.

Whether, since the order alluded to, forbidding any person to go into the King's room, except introduced by Dr. Willis or his son, Dr. Warren has continued to have such means of observation and information as are sufficient to enable him to form an accurate judgment upon the state of his Majesty's health ?——Yes.

Whether Dr. Warren has observed any difference in his Majesty, at such times as he has seen and conversed with his Majesty in the presence of Dr. Willis or his son, and at such times when neither of those gentlemen were present ?

A very great difference ; when Dr. Willis or his son are present, his Majesty is under great awe ; when they are absent, he talks and acts very differently.

Since the order alluded to, has Dr. Warren seen his Majesty, except in the presence of one of the Dr. Willis's ?

Yesterday I desired Dr. John Willis to retire while I was with his Majesty, that I might observe the difference of his behaviour, and report it to the Committee, if required—Dr. Willis retired accordingly, and his Majesty immediately held a language very different from that which he used while Dr. Willis was present.

Was any other person in the room besides Dr. Warren, when Dr. Willis retired?

Two of the pages.

Whether, notwithstanding the order alluded to, Dr. Warren still continues to think himself fully authorized to visit his Majesty as often as he shall judge necessary, without either of the Dr. Willis's being present?

I have made it a rule, ever since Dr. Willis came, not to go in without asking the Doctor or his son, whether it was a proper time; but I should go in, notwithstanding that order, if I thought there was a necessity for it.

Whether Dr. Warren does not think, that it is in general discreet to ask Dr. Willis or his son, whether the time at which Dr. Warren proposes to go into his Majesty's room, was a proper time for that purpose, supposing there is no particular necessity for acting otherwise?

Certainly.

Whether Dr. Warren has ever been present with his Majesty, when he has entertained himself with reading?

Yes.

Has it been for any considerable space of time, and upon a subject which would require much thinking?

I have never seen him read more than a line and a half at a time.

Has that been lately?

The third time from hence that I was there—on Sunday last, I think.

Whether Dr. Warren thinks that the King's malady is less at those times of reading than at any other times?

His manner of reading, when I have been present, is a strong proof of the existence of his malady.

Whether or no, the patient suffering any writings or discourses to be read without interruption, by persons who have acquired any influence over him, appears to Dr. Warren to be any symptom of convalescence?

No.

Whether or no, since the commencement of the King's malady, the Physicians have employed whatever succours the rules of their art, or their experience, have suggested to them towards his recovery?

Yes.

Whether or no there are not certain distempers supervening on the original malady, such as fever, which are sometimes known to aid in the cure of this distemper?

Yes.

Whether any fever has come upon his Majesty since the commencement of his malady?

Yes.

Has the disorder abated, in any remarkable manner, in consequence of that fever?

No.

Has not his Majesty had frequent and refreshing sleep from time to time?

Yes.

Has not that been known to be of sovereign use in the cure of this malady?

A person sick in this manner is not likely to get well without sleep; but he may frequently have refreshing sleep without advancing in his cure.

How has it been in this case?

Sleep has produced no advancement towards the cure.

Has any rational mode of controul and coercion been omitted?

Not that I know of, since his Majesty came to Kew.

Whether any progress towards a cure has been observed in consequence of this controul?—No.

What was the method which the Physicians meant to pursue, in the medical treatment of his Majesty, immediately previous to the arrival of Dr. Willis?

The method that we had settled to pursue, was that of endeavouring to restore his Majesty to the best bodily health we could; to make his constitution, if we possibly could, such a one as a healthy man has at fifty.—We attempted to give his Majesty the bark twice, I believe at Windsor, but some circumstance arising, either from fever, or some other cause, prevented our going on with it.—It was determined, I think, just before Dr. Willis came, that the bark should be attempted again; but it was postponed till the arrival of Dr. Willis, that we might talk with him upon the subject.—I carried Dr. Willis to Kew in my chaise, and gave him an account of his Majesty's mode of living, former habits, and present disease.—He agreed with me, that an endeavour to restore the constitution by the bark, and occasionally adding some other medicines, which we discoursed about, was the most likely way to restore his Majesty's health again.—His Majesty was immediately put under this course.

Is Dr. Warren quite sure that the return of the use of the bark, after Dr. Willis's arrival, did not happen on the suggestion of Dr. Willis?

It did not happen on the suggestion of Dr. Willis.

Whether the medicines just stated by Dr. Warren to have been used during the period immediately preceding Dr. Willis's arrival, were not of the class called Tonics?

I think they were not; but medicines preparatory to the use of the bark.

Whether tonics had not been used a short time previous to Dr. Willis's arrival?

I do not recollect any tonic but bark.

Whether the bark itself is not of that class of medicines called tonic?

It is.

What new medicines, not in the previous intentions of the Physicians, were suggested by him, previous to the time of his examination before the former Committee?

One of the first things he proposed was calomel.

What benefits were had from the calomel?

None, with respect to the main complaint.

Whether or no there has not been frequent returns of irritation, since the time of Dr. Willis's attendance on the King?—Yes.

Were

Were the returns of these irritations owing to the use of blisters?

Dr. Willis was of opinion, and declared, that he never knew blisters applied to the legs of such a patient without benefit: the blisters were applied, and, contrary to what happened when blisters were applied before, produced much forenens and pain. The pain undoubtedly made his Majesty much more unquiet, increased the necessity of coercion, but did not appear to me to increase or diminish the grand malady.

Whether or no Dr. Willis consented to the putting on of these blisters, upon a representation, that the King, when at Windsor, had been hardly sensible of pain from them?

That circumstance was mentioned to Dr. Willis, but I could not think it his motive for consenting to the putting on of the blisters, because he frequently talked of the great benefit that persons, afflicted like his Majesty, usually received from blisters, and mentioned, if I mistake not, his having cured a person by the application of several blisters at once.

Then there was no persuasion used to induce Dr. Willis to consent to the use of blisters?—No.

At what time, to the best of Dr. Warren's recollection, were these blisters used?

I believe something more than three weeks ago.

Has there been any irritation since the blistered parts have been healed? I am not quite sure that they are healed now, but certainly very near it.

Whether or no Dr. Warren has got the account respecting the proportion of persons cured, who had been afflicted with the disorder about the age of fifty?

I have not got it—I will endeavour to get it before the Committee breaks up, if I possibly can.

Whether Dr. Warren, in the difference of opinion which he had with Dr. Willis on Friday the 2d instant, told Dr. Willis that he should think no person better, till they were perfectly well, under such an indisposition? No.

Do you recollect Dr. Willis's asking you, whether, if a person so indisposed should not say one sensible word in twenty-four hours, and the next twenty-four say but one word, that he would not say if he was not indisposed, whether he would not think him better?—and, if such a question was put, did you answer to this, “No?”

I don't recollect that that question was so put, therefore can say nothing as to the answer.

Do you recollect giving any opinion upon that subject, and what was it?

I stated to the Doctor my rule of determining whether persons so indisposed had amended, which I mentioned in the former part of my examination, and the opinion I gave on recovery was founded on that rule. I remember that the doctrine of recovery, as derived from what happens in a fever, was declared by me, in contradiction to Dr. Willis, as inapplicable to the disorder in question.

Did you ever inform Dr. Willis, that it was usual for Physicians to sign their names to statements of facts, which they are not sure are true and correct, for the sake of agreement?

No, nor to that effect.

Did you ever inform Dr. Willis, that in such matters the opinion of one should give way to the other two, and that you was surprized he should hesitate about it?

No.

Did you ever endeavour, by any vehement argument or dispute, to induce Dr. Willis to sign his name to any account respecting the King's state, contrary to his opinion?

I have endeavoured by debate, but not by vehement argument, to bring the Doctor over to my opinion, but never to persuade him to act contrary to his own.

Do you consider yourself as responsible in your character to the public, for the truth of the account sent to St. James's, provided you sign your name?

Yes, provided you do not mean the whole truth.

Should you not consider the signing your name to any such account of the King's health, tending to deceive the public into a less favourable opinion of his Majesty's state than the fact warranted, in the same point of view as giving information tending to mislead this Committee?

Yes.

If there has been any error or imperfection in the accounts sent to St. James's, has it, in your opinion, consisted in representing the King's state worse than it is?

No.

When did Dr. Warren see his Majesty last?

Yesterday.

In what state did you then leave him?

No better than since the commencement of the disorder.

Whether, Dr. Warren, having said, in answer to a question put to him by this Committee, that his hopes of his Majesty's recovery stand upon the same foundation as they did when he was examined before, excepting that a little more time has passed, which does not add to his hopes, but is so little that it hardly ought to subtract from them—that is Dr. Warren's opinion, after attending duly to all the circumstances which have been stated in his examination now relative to supervening fever, the enjoyment of sleep, the use of coercion and controul, the frequent returns of irritation, the effect of blisters, the differences of opinion between the Physicians, and all other circumstances in his Majesty's case, which have come to the knowledge, or fallen within the observation, of Dr. Warren?

Yes.

Whether or no, in fact, there has existed a difference of opinion respecting the treatment of his Majesty's disorder?

There has been no difference of opinion with respect to his medicines and diet.

Whether Dr. Warren has ever known a case of so long difficulty and continuance, and where so many Physicians have attended, where there was less difference of opinion?

No, with respect to medicines and diet.

Whether

Whether Dr. Warren thinks that the difference of opinion, respecting the signs of convalescence, has tended to forward, or retard, the cure, or to alter the mode of treatment?

It has neither forwarded nor retarded the cure, nor altered the mode of treatment.

Whether Dr. Warren, from the beginning, has grounded his hopes of his Majesty's recovery, upon the symptoms he has observed in his Majesty's case, or on calculations of the proportionate numbers cured to the persons affected with this malady?

On the calculations.

Whether there has been any difference of opinion among the Physicians attending his Majesty, on any point, since the commencement of his Majesty's disorder?

Not with respect to medicine and diet. Some difference of opinion at Windsor, whether his Majesty was not going to recover, about the end of his fever.

As Dr. Warren stated that he believes he is correct in his account of the words used by Dr. Willis, viz. "A certain Great Person will not suffer it to go so, and it will fall upon you," and thought the conversation material enough to put down a memorandum of it as soon as he returned home: can he state how long it was after he left Kew before he got home?

I left Kew about twelve, I believe, and got home about six.

Did Dr. Warren go straight home?

No, I went about my business.

Whether Dr. Warren mentioned the particulars of the conversation to any body before he put them down in his memorandum?

I did.

Withdrew.

Sabbati, 10^e die Januarii, 1789.

The Reverend Doctor FRANCIS WILLIS again called in, and examined.

DID Dr. Willis, when he spoke yesterday concerning the medicines which had been given to his Majesty between the time of his former examination and the Sunday preceding, mean to take upon himself to say positively, either that those medicines had, or that they had not, been previously thought of by the other Physicians attending his Majesty?

I think I said that they had been thought of.

Do you mean to take upon yourself to say, that of your own knowledge, and in your own presence, his Majesty has, within the last fortnight, read several pages of books, making at the same time what were, in your opinion, good remarks upon the subject of them?

Yes,

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Whether,

Whether, according to the observations which your experience has enabled you to make in cases such as that of his Majesty, the patient's reading or suffering books to be read, in the manner in which his Majesty has done within this last fortnight, is, or is not, a circumstance which has, in point of fact, happened where the patient has finally recovered?

Yes, certainly, in several cases, and it is more particularly favourable in his Majesty's, as, within the space of fourteen days, or thereabouts, his Majesty could not attend to read at all.

Whether your observation upon cases in which recovery has been obtained, induces you to consider the circumstance of a patient having, from time to time, refreshing sleep, as forming a solid ground of hope for recovery?

It is necessary to know the sleep that the patient formerly had required, to make the comparison of any effect.

Whether, from the accounts which you have received of the sleep which his Majesty formerly usually had, and comparing the result of such accounts with the refreshing sleep which his Majesty has had, your observations and experience enables you to determine one way or the other, whether the circumstance of his Majesty's having had such sleep, is a ground to hope for recovery?

By comparing the sleep his Majesty, I am told, formerly had, even after great fatigue, I am inclined to think that his Majesty has, for these last six or seven nights, had more sleep than one could expect from a person who has been used to so much exercise, and has not been able of late to use any.

Whether his Majesty is, within the last fortnight, more or less quiet than he was previous to the time when you was examined before the former Committee?

I cannot remember it; but there is a prodigious difference indeed.

Whether, judging from actual experience, and from what has occurred in the case of persons who have recovered from this malady, you think that such alteration, as you mention in your answer to the last question, affords a solid ground of hope that his Majesty will recover?

Yes, very solid grounds; for indeed I do not think his Majesty has one symptom that ever attended an incurable. I mean, that he may have symptoms that incurables have, but he has not symptoms that mark an incurable.

Can you, from your experience, say whether his Majesty has any symptoms that are never observed in incurables?

I cannot say.

Dr. Addington having said, in his examination before the former Committee, that he had great expectations that his Majesty's disorder would end happily, from this circumstance, "That it had not for its forerunner that melancholy which usually precedes a tedious illness of this sort," does Dr. Willis, judging from facts and experience, concur with Dr. Addington in those expectations?

Entirely.

Whether Dr. Willis and his son have not, in point of fact, a greater influence and controul over his Majesty than any other of the Physicians who attend him?

Certainly, much more so.

Whether Dr. Willis, judging from facts and experience, does, or does not, think it absolutely necessary, in order to bring about the cure of his Majesty, that some person attending his Majesty constantly should have and exert that degree of influence and controul?

Most certainly.

Whether Dr. Willis, judging from facts and experience, can say, that such irritations as his Majesty may have, when visited by persons in the absence of those that have this degree of influence and controul, may, or may not, retard his Majesty's recovery? — It certainly may retard it.

Whether that effect must not depend on the conduct of those persons who visit his Majesty in the absence of Dr. Willis?

On their conduct, if his Majesty sees them frequently in the day; but if only once in two or three days, it will disturb his Majesty, by creating fresh ideas?

Whether Dr. Willis is of opinion, that the other Physicians who attend his Majesty, visiting his Majesty in the manner they have done since Dr. Willis attended on his Majesty, can have the effect of producing that irritation, which Dr. Willis has said may retard his Majesty's recovery?

I have thought that it frequently has had that effect.

Whether, supposing that Dr. Willis attended one person in the manner in which he now attends his Majesty, and had the care of another person, of whose case he should receive accounts only every other morning, he thinks he could promote the cure of his Majesty and such other person in an equal degree?

The other person would not have other people to visit him, and consequently to disturb him, and that therefore might possibly balance the advantage of my seeing his Majesty every day, or every hour of the day.

Whether you have reason to believe, that, in point of fact, any visit of any Physician to his Majesty has waked his Majesty while he was sleeping, or prevented his Majesty from going to sleep?

I believe it has happened, once in particular, his being prevented from going to sleep.

What Physician was it? — It was Dr. Warren.

What circumstances formed the ground of Dr. Willis's belief, that the visit which he has referred to did prevent his Majesty from going to sleep?

The pages in waiting, and the attendants, assured me, that his Majesty was going to sleep; by observations I supposed they judged; from his manner of dropping his voice and breathing.

Whether, previous to Friday last, Dr. Warren and the other Physicians had not usually consulted you about the propriety of their going into his Majesty's room at the particular time when they proposed to go in?

Sometimes they have, and sometimes they have not.

At the time you was informed that his Majesty had been prevented from going to sleep, did Dr. Warren consult you or your son about the propriety of his going into his Majesty's room at that time?

I told the Doctor I thought it was improper at that time, because his Majesty had had a very bad night, and had had just then half an hour's sleep, and the pages thought he was just falling to sleep again.

Whether his Majesty's state at that time was such as, in your judgment, to create any particular necessity for Dr. Warren's going into his Majesty's room, after you had stated to him what you have mentioned in the foregoing answer?

I know of none—as coercion seemed to be the only thing necessary if his Majesty could not rest.

Whether you stated to Dr. Warren the objection before mentioned?—Whether you can recollect what answer Dr. Warren gave you?

When Dr. Warren went into the pages room, Mr. Braund, or Mr. Compton, the pages, desired Dr. Warren not to go in, in my presence; and he said to them, as he had done to me, that he must go in, for he was a spy upon them all.

Are you positive that Dr. Warren gave that answer?

I am very positive.

Are you positively sure that those were the very words which Dr. Warren made use of, or do you only mean to state the effect and substance of Dr. Warren's words on that occasion?

The very words, which the pages have mentioned many times since.

Will you inform the Committee upon what day this conversation passed?

I cannot say, but it is down in a journal.

When did you put this down in the journal?—That day.

Did you shew that part of the journal which contains the account of this matter to the two pages that you have mentioned, or either of them?

I have not.

Whether you mean to admit and avow that you have signed reports of his Majesty's state of health, proposed to be sent to St. James's, which contained less favourable accounts of his Majesty's health, than you think might have been given to the public, if the whole truth had been told them?

To be sure I have signed such as I would not have sent to any relation of a patient that I was concerned for in the like situation.

Would the accounts, which you would have sent to the relations of other patients, have been more or less favourable accounts than those which have been sent to St. James's?—More favourable, in general.

Would it have been consistent with the whole truth, in his Majesty's case, to have given more favourable accounts in general?

In my opinion, more consistent.

Will you state to the Committee, what were your motives for giving less favourable accounts than might have been given in general, consistent with the whole truth?

As it did not affect his Majesty's health, or the cure of his Majesty, I signed them rather than have any dispute about words.

Do you mean to assert, that in your conscience you are fully persuaded that you now speak the truth, when you say, that more favourable accounts

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of his Majesty's state might have been given, in general, in the reports sent to St. James's?

I do assert it.

Whether you ever signed any paper, at the request of Dr. Warren, relative to the transaction of that day, in which you have been informed that Dr. Warren had prevented his Majesty from sleeping?

I did sign a paper by the desire of Dr. Warren, and the persuasion of Sir Lucas Pepys, that Dr. Warren, as far as I knew, did not go into the room and wake his Majesty.—But I did not sign any paper, signifying that he did not go in at any time, when it was thought he might prevent his Majesty's sleeping.

Whether, at the time that you gave this paper to Dr. Warren, you informed Dr. Warren that you would not sign any paper, acknowledging that Dr. Warren had not prevented his Majesty from going to sleep, but that you would only sign a paper, stating that Dr. Warren had not waked his Majesty?

The paper was offered to me, and I refused to sign it, if it contained any thing to the purpose, that Dr. Warren did not go into his Majesty's room at a time when it was probable he might prevent his Majesty going to sleep.

By whom was that paper drawn up and tendered to you?

By Dr. Sir Lucas Pepys.

Are accounts, usually sent by you to the relations of your patients, conceived in as general terms as those which have been sent to St. James's?

I send the relations word that they are better, or worse; and mention some particulars—but then that is not often above once a fortnight.

Can you recollect, positively, whether in the conversation which you had with Dr. Warren yesterday sevensnight, you did, or did not, ask Dr. Warren, if a person indisposed should not say one sensible word in twenty-four hours, and the next twenty-four should say but one word, that he would not say, if he was not indisposed, whether Dr. Warren would not think him better; and whether you can, or cannot, say positively, that Dr. Warren answered, No?

I can say positively, as well as I can recollect, that Dr. Warren said No, to the question so put; and I believe the bystanders remember the same.

Whether, in the same conversation, you can, or cannot, say positively, whether you did, or did not, make use of the following expression to Dr. Warren, "A certain Great Person will not suffer it" (meaning the report) "to go so, and it will fall upon you?"

It was not in the same room, or at the same time.—I did say so, or something of that sort, when the report was drawn up for me to sign, saying, at the same time, "Why should we send up what will be sent down to be altered?"

Will you explain to the Committee by whose authority you so said, and what your meaning was in those words?

Presuming that the Personage would know from the pages how his Majesty had passed the day and night, I thought it was not right to send up a report which that Personage would not think equal to his Majesty's present state of health.

Was that your meaning in the words which you actually used in that conversation?—Entirely so.

What did you mean by the words, “ It will fall upon you ? ”

Sir George Baker, the day before, when his Majesty had not been quite so well, nor had so good a night, had made a more favourable report, and therefore I concluded that Personage must think this report arose from Dr. Warren.

Did Dr. Warren ever inform you, that he had made a written memorandum of that conversation, or of any part of it, or desire you to explain yourself upon the subject of it ?

Not that I know of—I do not remember any such thing.

Do you remember any order having been put up in the pages room, yesterday sevensight, or upon any other day, directing that no persons should be admitted into his Majesty’s room, without the knowledge of you or your son?—I wrote it, and put it up myself.

What was the reason of your writing, and putting up, such order ?

Because sometimes a Physician, sometimes a Surgeon, or an Apothecary (for there are four concerned—I mean two Surgeons, and two Apothecaries) did go into the room, as I thought, at improper times, and disturb his Majesty;—and, as I thought it my duty to do to his Majesty what I should think it my duty to do for any private gentleman, I wrote that order.

Did you put up that order of your own authority, and for the reasons you have now mentioned; or had you any other authority for putting up that order, from any person, and whom ?

The Lord Chancellor ordered me to do that which should prevent any body’s going into the room without my consent, and was not pleased that I had not done it before.

Had you explained to the Chancellor your reasons for thinking that it would be proper, with respect to his Majesty’s health, that such an order should be given ?

I suppose I did, in conversation, think it necessary that people should be prevented from going in and disturbing his Majesty.

Have any of the Physicians, who attended his Majesty, suggested any complaints to you, that such order has prevented them from seeing his Majesty at proper times ? —I do not remember that they have.

Have any other persons suggested to you, that they have been prevented from seeing his Majesty ? —I do not remember that they have.

Did you ever inform the Physicians, that any persons had improperly intruded into his Majesty’s apartment ? —I do not remember that I did.

When did the Lord Chancellor give you the directions, in consequence of which you put up that paper ?

I really do not remember the time; but, more than once, the Chancellor has mentioned the necessity of keeping any persons from going into his Majesty’s room, without some limitation.

Do you know upon what grounds the Chancellor thought it necessary to repeat the necessity of this precaution ?

I cannot remember; it was in conversation, I suppose.

Are

Are you quite sure you cannot recollect when, or where, you had the last conversation with the Chancellor on this subject, before you put up that order?

I am very sure I cannot fix the time, but I believe the place was my own room at Kew.

Was it before, or after, the dispute with Dr. Warren, on Friday the 2nd instant?

I believe before. I do not know that I have seen the Chancellor since Friday the 2nd instant.

Was it a day or two before, or long before?

I do not remember at all; nor do I remember whether it was the last time I talked with the Chancellor.

Have you any memorandum, relative to this fact, in your journal?

Yes.

When did you make that memorandum?

The very morning, within a quarter of an hour.

On what day was it that you wrote and put up that order?

I do not know. I believe the order itself is dated, but I am not sure.—The journal will ascertain the date.

Have you kept a regular journal of occurrences since you attended his Majesty at Kew?

I have, from about the 6th or 7th day, I believe, of my attendance.

Is that order up now?

I believe so. Sir Lucas Pepys said he saw it yesterday morning.

When his Majesty read a page or two, and made very good remarks upon it, whether the books and the pages were of his Majesty's own selection, or whether they were put into his hands and pointed out by you?

Particularly by his own selection.

Whether, at the time, his Majesty read the pages aloud, to be heard by Dr. Willis, or to himself?

Aloud; nor could I know, if he did not read aloud.

Whether his Majesty has done this once, twice, or several times?

Many times in a day, as I understand; and on more days than one in the last six or seven days. I have now been absent a great part of several days.

Can you remember the last time you heard his Majesty read one or two pages? — Last night he did.

Did you hear him yourself last night? — Yes.

Whether you have observed, in your attendance on his Majesty, that his eye-sight is at all affected by his present malady?

Not that I know of.

Whether, when you or your son was not present, have you been informed by any of the King's Physicians, Surgeons, or Apothecaries, that his Majesty has read with attention, and remarked with judgment, upon the objects which he had read?

I think I have heard so by Dr. Pepys; but I think I have heard from several persons that they have, at times,

What

What state was his Majesty in this morning?
I came away before he was up.

What state was his Majesty in going to bed last night?
Very quiet.

Whether his Majesty continued, to the time of his going to bed, to shew signs of the same attention and power of reflection, as in the instance of reading in the manner mentioned by you?

Yes, to the time I left him, which was about half past ten; and I understand from the pages, that he went to bed immediately after.

Whether any thing of a contrary nature was intermixed, during the time you was with his Majesty yesterday evening?

I cannot say there did.

Whether you observe that the King's mind is in a better state in the evening before he goes to bed, or in the morning?

I think his Majesty is never so well in a morning getting up, nor for an hour afterwards.

How long was you with his Majesty yesterday evening?

I believe, in all, about one hour and a half; but I went several times out of the room.

Whether any other Physician or medical person has been in the room when his Majesty has either read, or attended to reading in your presence?

I think Dr. Pepys was twice; I am not sure whether there was any other; I am not sure whether Dr. Gisborne was in the room last night, while his Majesty was reading.

Whether at any, and at what, distance of time after his Majesty has read, or attended to reading, in the manner described, his Majesty has conversed with you on the subjects he has either read or heard read?

Very frequently, sometimes several hours; for I believe his Majesty never forgets what he reads.

Whether, on any subsequent day, his Majesty has conversed with you upon what has been before read?

Several days after, and I think his Majesty can give a good account of any book, or subject in a book, that he has read, either since his illness or before, as to the morality and truth of it, as most people can, I think.

Whether you have found it necessary to use coercion more or less frequently within the last fortnight, than you did in the preceding fortnight?

Much less frequently, and not now for nearly a week.

Are you, upon recollection, sure of this fact?

I am sure of it.

Whether the circumstance of his Majesty's having read, and attended to reading as above stated, is, in your opinion, a clear and decisive symptom either of convalescence actually approaching, or of a very speedy recovery?

I look upon it at the time as convalescence itself, and certainly a sign of his Majesty's recovery; but I will not pretend to say how soon.

What

What do you consider as convalescence ?

Acting properly upon the business you are engaged in.

Whether the refreshing sleep his Majesty has had, has been natural sleep, or sleep procured by medicine or other means ?

No medicine has been ordered for the purpose, and no means but that of having his Majesty go to bed as quietly as you can ?

Whether any other Physician attending his Majesty has ever suggested to you the idea of pleasing or displeasing any Great Personage, as a motive to induce you to sign any report of his Majesty's health, more or less favourable than the actual circumstances then warranted in your opinion ?

I know not of any such.

Whether, during the favourable intervals in which you have observed his Majesty, you have remarked that his Majesty had reflected upon the nature of his illness ?

At sometimes I think he has, but rather seems to avoid hinting any thing of it.

Have you observed that it has depressed his spirits, so as to retard his cure ?

I cannot suppose that it has retarded his cure or depressed his spirits, for I am not sure that he is sensible of it—He only hinted at it.

Are you sure his Majesty will recover ?

It would be presumptuous for any man to say he was sure, in the case of any one whatever, or in any disorder.

What degree of confidence or hope have you upon the subject ?

I have the greatest hopes, from what I have already seen of his Majesty's amendment.

Have you any doubt of his recovery ?

I must doubt of every thing that has not come to pass.

Is your confidence such as to say you scarcely entertain a doubt ?

It is.

Then that is now the state of your mind upon that subject ?

I have already said so.

In answer to a question before put to you, “ Whether, the several circumstances of his Majesty's case, which have fallen under your observation or come to your knowledge, being duly attended to, you in your conscience think that the chance of his Majesty's recovery is greater, or less, or as good, as it was when you was examined before the former Committee ? ” whether you remember having answered “ Much greater ? ”

I did say so, and I say so still.

Whether you recollect this question being put to you by the former Committee, and your answer upon it,

“ What hopes has Dr. Willis of his Majesty's recovery ? ”

“ I have great hopes of his Majesty's recovery. If it were any other person but his Majesty, I should scarce entertain a doubt : when his Majesty reflects upon an illness of this kind, it may depress his spirits, and retard his cure more than a common person ? ”

I do.

Dr. Willis having, in his former examination, declared his hopes of his Majesty's

Majesty's recovery to be such, that if his Majesty was a common person, he should scarce entertain a doubt; but that his Majesty's reflecting upon an illness of that kind might depress his spirits, and retard his cure more than a common person;—and Dr. Willis having now stated to the Committee, that he has no reason to think that his Majesty's spirits have been depressed, or his cure retarded, by his having reflected upon his illness; or that he has so reflected; and having stated also to this Committee, that he has, in his conscience, hopes of his Majesty's recovery, much greater than he had when he was examined before the former Committee; Dr. Willis is desired to say, what that confidence is, which is much greater, with respect to his Majesty's recovery, than a state of mind which scarcely entertains a doubt?

As in the case of a common patient, the symptoms are greatly abated, and therefore greater hopes of his recovery. As to his particular station in life, from my knowledge of his Majesty's sense of religion, I have greater hopes that he will, with a proper resignation, reflect upon what it has pleased God to have afflicted him with.

Then do you mean that the Committee should understand that your apprehensions, with respect to the consequences of his Majesty's reflecting upon his illness, are not the same as when you was examined before the former Committee?—They are not so great for the reason I have given.

Whether Dr. Reynolds was not by at the conversation between you and Dr. Warren, in which you used the words, “it will fall upon you?”

Possibly he might, I believe he was.

Did Dr. Reynolds join in the objection made by Dr. Warren to the proposed alteration in the report which was then in question?

Dr. Reynolds said nothing, and I have been used a good deal to stand alone in that sort of consultation.

Did you hear from Dr. Reynolds at that time, or afterwards, that Dr. Reynolds did agree to the alteration proposed?

I do not remember any thing of it.

Withdrew.

Lunæ, 12^o die Januarii, 1789.

The Reverend Dr. FRANCIS WILLIS again called in, and examined.

WHETHER, when you signed accounts, at the desire of Dr. Warren, and by the persuasion of Sir Lucas Pepys, less favourable than the circumstances of the King's health would have warranted, you thought that difference to be a mere dispute about words?

I signed no account; that I know of, by Sir Lucas Pepys' persuasion—that I signed by his persuasion was, that Dr. Warren had not waked his Majesty.

Whether you did at any time, or at any person's desire or persuasion, sign reports less favourable than the truth would have warranted, concerning the state of his Majesty's health?

Not by any persuasion, that I know of, but in my own mind, rather than have any dispute about it.

Was it to prevent a dispute originally, or to put an end to the continuance of a dispute?

As

As it did not at all respect his Majesty's cure, and we had had disputes about words before, and I did not then think it worth while to have any for the future.

Do you think that the truth or falsehood of a report signed by the King's Physicians, for the information of his subjects, to be of no more consequence than a dispute about words?

It really struck me so then, and I am not at all affected with it now.

Whether or no you have not given to her Majesty, and to the ladies who have the honour to be about her person, more exact accounts, according to your opinion, and of a more consolatory nature?

I have always given them the truth, to the best of my opinion,

Whether those accounts were in fact of a more favourable nature?

The report that was made to the public, is from the appearance of his Majesty in the morning, when the symptoms have ever been less favourable; the accounts to the ladies attending her Majesty have been frequently in the day, and therefore, taking the whole account of the 24 hours, it must appear much more favourable.

Is it true, that the report sent to St. James's does only include the state of his Majesty's health as it appears in the morning, and does not extend to the night and the preceding evening and day?

It enters into no particulars of any, except quiet or disturbed state, and sleep—and that in stating the whole together, it cannot be so particular as those given to her Majesty every hour concerning his Majesty's health, which she must be very anxious to enquire after.

Question repeated.

I think several times the report might have said, that his Majesty had passed several hours, the preceding day, in many respects better than he had done the day before. As far as quiet, or not quiet, the account does include what passed in the preceding evening and day—it would not be particular enough to satisfy me whether he was either better or worse.

Whether, taken as a general report, without entering into particulars, it is more or less favourable to the state of the King's health than the truth would warrant?

To the best of my judgment less favourable.

Is it then less favourable than the general result which might be drawn from all the circumstances of the different accounts which you give to the ladies attending her Majesty?

Yes, I think it is.

On what occasion, and for what purpose, did you sign the certificate relative to the transaction of that day, in which you was informed that Dr. Warren had prevented his Majesty from sleeping?

A good-natured purpose, and on the paper being offered me to sign, and being assured that it would hurt Dr. Warren's character if I did not.

At the time of signing that certificate, did you explain to Dr. Warren, or Sir Lucas Pepys, or to any other person then present, the distinction and reservation which you have now mentioned to this Committee?

Yes, very particularly to both Dr. Warren and Sir Lucas Pepys—
Whether any body else was by I do not remember.

Whether you called in any of the Physicians attending on his Majesty, or the Surgeons or Apothecaries, or any other persons than those of your own family and the pages, to be witness of the circumstances which you have described as appearing on Friday evening last?

I did not.

Whether your purpose in excluding any person from coming to his Majesty, except by your own permission, does not arise from an apprehension that the appearance of such persons might excite troublesome emotions?

Very certainly.

Whether you have ever consulted the registers of public hospitals, or other houses for the reception of patients labouring under this malady?

I never did. Hospitals take in patients, and call them thus indisposed. Numbers of them have been so indisposed for years, perhaps, and do not give you any account of the particular symptoms of the malady when taken into the hospital.

As Dr. Willis has said, that the circumstance of persons going into his Majesty's room may excite troublesome emotions; whether his experience enables him to say that such emotions do, or do not, in general cases, retard the cure of the patient?

In my opinion, very much.

Will you inform the Committee, whether, after duly attending to every circumstance which you have related to the Committee, and all other circumstances which have fallen under your observation, or have come to your knowledge, respecting his Majesty's case, and judging from facts and experience derived from your own practice, you have, or have not, greater hopes of his Majesty's recovery than when you was examined before the former Committee?

Much greater hopes.

Whether the state of the weather, or the season of the year, has any effect upon patients labouring under this disorder?

The state of the weather, preventing his Majesty from taking exercise, and keeping up a proper perspiration, in my opinion, has had a tendency to retard his Majesty's recovery.

Has his Majesty taken any exercise from the time of your attendance on him?

None, for about a month before that time; I think he walked out twice.

Withdrew.

Doctor GISBORNE again called in, and examined.

Was you at Kew on Friday night last? — Yes.

Whether you saw the King in the course of that evening? — Yes.

At a bout what hour? — From 8 to 10, I think.

Did

Did you play at picquet with the King ?

Yes.

Did he play in a steady, recollected manner ?

Moderately so.

Did he play as a man in mental health would play ?

Certainly not so well as that.

Were there, in the course of play, frequent signs of the continuance of his Majesty's disorder ?

I have said, in answer to a former question, that the material changes in his Majesty's situation, I think, are a better state of health, and more quietness in his manner. I think that is an answer. There were signs of the continuance of his Majesty's disorder.

Whether you was present at any reading with his Majesty ?

No, he did not read while I was present.

Have you at any time observed, that your going into his Majesty's room has been a cause of any irritation ?

I think less with me than with others.

Do you know that the going in of any of his Majesty's Physicians, other than Dr. Willis, or the going in of Surgeons or Apothecaries, has been a greater cause of irritation than the going in of Dr. Willis and his son ?

I think those he sees the oftenest irritate him the least.

Was you present at the time when Dr. Willis seemed to impute a disturbance of his Majesty to the unseasonable going in of Dr. Warren ?

I remember Dr. Willis's saying, he thought the going in of us together irritated his Majesty.

Were you ever present when Dr. Willis did at any time impute to Dr. Warren his having gone in so as to prevent his Majesty's sleeping ?

I do not remember his saying so.

Withdrew.

Doctor W A R R E N again called in, and examined.

Have you seen the King to-day ?

Yes.

In what state did you find his Majesty this morning, and what account had you of the antecedent day ?

I found his Majesty in a very irritated state this morning, and was informed that he has had, in the whole, but five hours sleep in the three last nights—that having had no sleep at all, or very little, the night before last, it was proposed to give him something last night to compose and quiet him—such a medicine was written down, but was not given him.—It was proposed yesterday to carry his Majesty out to take the air—I was
not

not informed that this was mentioned in the consultation in the morning, but I was informed by Dr. John Willis, that his Majesty's pulse was yesterday 120 in a minute—I was likewise informed that he had lain all night under coercion, and had sweated a great deal. Some prudent person advised his Majesty should not be carried out to take the air.—I have reason to think that the pulse became quieter in the course of the day.—I found it this morning between 106 and 108 in a minute, and observed marks of fever on his Majesty's tongue. Dr. John Willis told me, that he had promised to carry his Majesty out to-day, and desired me to consider, whether the not complying with his expectations might not irritate him a great deal.—I was sorry that he had had such a promise; I was necessitated to take the least of two evils, and advised that his Majesty should not be carried out, the thermometer being 17, as I am informed, below the freezing point; and, particularly, as Dr. Willis has always observed, that keeping the pores open always does his Majesty great good. His Majesty this morning suffered me to come from him with great difficulty, and could not easily be prevailed upon by me to let go my hand.

When did you see his Majesty before?

The day before yesterday—on Saturday morning.

In what state was he then?

His Majesty had some fever then—pulse between 80 and 90, I believe, but was very irritable; could not be kept to the same object for any space of time—tried to play at cards with me, but could not, and shewed many strong marks of his distemper.

Whether you have ever observed, upon your going into his Majesty, that his Majesty's irritation was increased by your presence, and whether he has shewed any signs of dislike to you?

His Majesty in general receives me with eagerness—thinks he has something peculiar to say to me, and frequently proposes to confer favours upon me; he has done so this morning.

Whether his Majesty has ever shewn any signs of dislike towards you?

Not lately; but his Majesty sometimes mixes marks of dislike with marks of favour; but in general those of favour are greatly predominant.

Since what time have you chiefly observed marks of favour to predominate?

I do not recollect any mark of disfavour at any particular time. I was in great disfavour at Windsor—it continued for some time after his Majesty came to Kew;—it began to diminish soon after Dr. Willis came; I gradually grew into great favour, and remain so at present, excepting that sometimes he has found fault with me for bringing him from Windsor; but at another time told me I did right in bringing him from Windsor; and perhaps found some other faults, but not lately, that I know of.—This is the progress, to the best of my recollection.

Have you heard that his Majesty has been more irritated by the coming in of his Majesty's ordinary Physicians, Surgeons, or Apothecaries, in a greater degree than by the coming in of Dr. Willis and his son?

Not that I know of; I have never been so informed.

Whether

Whether the presence of any object, which tends to excite strong emotions in his Majesty's mind, is favourable, or otherwise, to his recovery?
Unfavourable.

Has there in fact, been any introduction of persons, to your knowledge, which had a tendency to excite such emotions, and to produce such irritations?

Yes.—I should like to give an account of the first consultation we had with Dr. Willis.—The day that I introduced Dr. Willis to the King, I summoned the rest of his Majesty's Physicians to a consultation at my house.—It was there first settled as a principle, that quiet of body and mind were to be endeavoured to be obtained by every means possible; and that every thing should be carefully kept from his Majesty that might tend to prevent this desirable acquisition.—It was settled that a regular coercion should be made use of—that every thing should be kept from his Majesty that was likely to excite any emotion—that though his Majesty had not shewn any signs of an intention to injure himself, yet that it was absolutely necessary, considering the sudden impulses to which his distemper subjects people, to put every thing out of the way that could do any mischief.—To all this Dr. Willis assented—yet the very next day he put a razor into his Majesty's hand, and a penknife.—When I saw the Doctor next, I asked him how he could venture to do such a thing?—He said, he shuddered at what he had done.—As he made use of this expression, I did not think it necessary to say much to him upon the subject.—On the 12th of December, as I apprehend, the King took a walk in the garden, and some of the royal children were shewn to him—this produced a considerable emotion, which was accompanied with acts demonstrating that emotion, as I was informed, to the best of my memory, by Mr. Keate.—Notwithstanding this effect of seeing the children, Dr. Willis, the next day, introduced that Person, whose great and amiable qualities we all know must necessarily make her the dearest and tenderest object of his Majesty's thoughts:—the interview was short:—his Majesty was soon afterwards in a great state of irritation; and the strict coercion was, I believe, for the first time, actually applied that night—the blisters were put on that night likewise. The next time that I saw Dr. Willis, I spoke to him upon this subject with some degree of sharpness, because it was contrary to my opinion, and contrary to what had been settled in consultation; for it had been referred, that whatever could be done by deliberation, should be settled by consultation; that the conduct of his Majesty in the interior room, should be left to Dr. Willis's discretion, because it did not admit of deliberation.—I do not know that I convinced the Doctor that his opinion was wrong, but that the act was contrary to what was laid down in consultation could not be denied.—I was always considered, by the highest authority, as the first Physician, and therefore thought myself particularly responsible: I thought myself obliged to look into, and to enquire after every thing that related to his Majesty: I did not suppose myself in a different situation upon the arrival of Dr. Willis, and therefore took the liberty of speaking to him with some degree of authority. I remember, when his three attendants arrived, I sent for them into the Physicians room, examined them very carefully, particularly as to the temper with which they conducted themselves towards those whom they attended, and spoke to them, as they were strangers to me, in such a manner as to let them know that their conduct would be strictly observed.—My being first Physician made me talk to Dr. Willis about every thing that I heard of, that did not appear to me to be quite accurate, and sometimes led to disputes.—I informed the Doctor that he was there in a double capacity—as Physician and attendant on his Majesty in the interior room; that I must take my share in

in directing what related to him in the capacity of Physician, though I should not interfere with respect to the conduct of his Majesty in the interior room. Not many days after this transaction I observed a book in his Majesty's hands, which affected me much, and immediately determined me to bring a charge against Dr. Willis, for what I thought bad practice.—I do not mean to bring the story of this book as a fault, because I believe there was no intention to convey such a book to his Majesty: it was the play of King Lear, not in a volume of Shakespeare, but it was a corrected Lear, by Colman, and mixed with his plays. I can have no reason to think that Dr. Willis could suspect that such a play was in that volume. His Majesty told me that Dr. Willis brought him the book, and Dr. Willis did not deny it, when I spoke to him on the subject.—I do not bring this as a fault, but it was the circumstance that determined me to put in execution what I had been thinking of before, with respect to Dr. Willis; for his Majesty's observation on the book affected me strangely. I carried an account of this to the Prince of Wales, and he desired me, as he had done in every case of difficulty that had happened, from the beginning of the illness, to lay the affair before the Lord Chancellor. The Lord Chancellor went to Kew, I believe; and the result was, when I saw the Lord Chancellor, that the rules of the consultation should be strictly obeyed.—Dr. Willis has, a second time, introduced the same great and amiable Person. I was informed that some degree of irritation came on in the night; but having collected, as I thought, from several small circumstances, that the power of introducing persons to his Majesty was to be left entirely to Dr. Willis, I did not make any complaint about it.

Can you ascertain the time of the last interview? — I cannot.

What time of day was the first interview?

I apprehend the first interview was in the evening— and that the interview happened, not only without consulting his Majesty's Physicians collectively, but that Dr. Gisborne, who was in the house that evening, and sitting in the anti-chamber when the introduction took place, was not consulted upon the occasion.

Do you know who were present at the interview?

I think I was informed, Dr. Gisborne was in some part of the time, if not all.

How soon after the interview did his Majesty's state of irritation take place?

I cannot tell, but I apprehend a little before, or soon after, he went to bed: I do not know the exact time of the interview.

Had you any particular account of that interview, or of the effect which it produced at the time?

If I mistake not, Dr. Willis informed me it lasted about five minutes — that, during that five minutes, every thing passed agreeably, but that something was then said that induced Dr. Willis to put an end to the visit.

Had you any account of the circumstances or motives which led to that interview?

I had no account previous to the interview. Afterwards, in talking upon the subject with Dr. Willis, he mentioned his motives, or reasons, for thinking the interview would be of service; which I could not agree to.

Whether

Whether you recollect the circumstances which attended your waiting upon His Majesty, upon a particular day, concerning which it has been since said, that you prevented his Majesty from going to sleep?

I never could accurately learn what day was fixed—I have only had a suspicion of the day.—I wish to have a day fixed, that I may meet the charge.

Was there any day on which Dr. Willis seemed to be peculiarly solicitous to prevent, or delay, your going in to the King?

I do not recollect any such day.

Do you recollect any conversation you had with Dr. Willis concerning the King's being asleep, or disposed to sleep, at a time when you was going in to his Majesty?

I remember a morning when Dr. Willis said his Majesty had had a bad night, which I myself had been acquainted with by asking the Page, as I passed by the King's anti-chamber, the door of which I opened as I was going into the Physicians room.—In the Physicians room I mentioned that I had learnt the King had had a very bad night, but was then fallen asleep.—I sat down, and what discourse passed between me and Dr. Willis then, about the night, I do not know—a few Words only.—The Doctor soon went out of the room, and when he returned, said, “That the King was not sleeping, for that he spoke.”—I got up, the attending Physician of the day with me, and walked towards Dr. Willis—we went together through the anti-chamber; when I arrived at the door of his Majesty's bed-room, Dr. Willis said, You may open the door, a circumstance that I do not recollect ever to have happened to me before—somebody else generally opening the door;—when I opened it, I found that the room was dark—I stepped forwards very slowly; as soon as I had gone the width of the door I was visible to his Majesty. The door being open, his Majesty immediately addressed himself very pointedly to me, saying, “I am glad to see you,” and adding his wish to be released from the state he was then in, which was a state of coercion. I hesitated; went one step back to look for Dr. Willis, who was standing very near me. I said something to the Doctor, and he immediately replied, in substance, that if his Majesty complained I might comply with his request. In consequence of which it was done, by my desire. I staid but a short time with his Majesty, and, as I was walking back, I said, “I had some doubts whether the complying with his Majesty's request was not improper, for he is in a very irritated state.” Dr. Willis said, “His Majesty will rise presently, and then we shall be able to do without coercion.”

Whether Dr. Willis expressed, at that time, any displeasure at what you had done, or represented to you any Mischief that he conceived likely to ensue from it?

Not that I remember.

On what occasion did any discourse arise, concerning any certificate subscribed by Dr. Willis, relative to a transaction in which his Majesty's sleep had been prevented or interrupted?

The story was so absurd, that I never gave myself the trouble of confuting it. Sir Lucas Pepys said, the story would do me a great deal of harm. I told him, I did not value it, or some such expression. Notwithstanding which, without any intimation from me on the subject, he wrote down a paper, without my knowing what it was about, till he was very near the end of it, and in a minute or two more shewed it to Dr. Willis, who came

into the room about that time, and said, that he had no objection to signing of it. I never considered it of any importance, nor do I now.

Do you recollect, that a paper was offered to Dr. Willis, and that he refused to sign it, if it contained any thing to the purpose, that you did not go into his Majesty's room at a time it was probable you might prevent his going to sleep?

I apprehend the Doctor said something upon that subject after it was signed.

Do you recollect any thing further upon that subject?

After it was over, I said to Dr. Willis, I would not tell you that I had done you a civility this morning, while this thing was depending, and then mentioned it to him.

Do you recollect any conversation relative to your saying you was a spy upon them all?

I do—I am very glad this circumstance was mentioned.—I went upon a certain morning, immediately after my arrival at Kew, into the anti-chamber, and asked the page how his Majesty did? he replied, that he had had a very bad night, was just then fallen to sleep, and you must not go in.—You know, said I, that I am a Spy, and must see the King:—I did not mean then—and went immediately to the Physicians room.—This was spoken in a very good-natured manner, and meant no more, than that I, from my situation, was an inspector.—Will the Committee please to consider, whether any man, who meant to be a spy, ever told it of himself?

Have any violent disputes ever existed between his Majesty's Physicians, concerning the method of his medical treatment?

No, if you mean the medicines, so far as I know.

Have any disputes arisen between any of the Physicians among themselves (the disputes with Dr. Willis excepted) concerning any part of his treatment?—Never.

Do you recollect whether Dr. Willis remonstrated against the use of blisters, as supposing them improper in this case, or dangerous?

On the contrary, the Doctor spoke highly in commendation of blisters in similar disorders.

Do you recollect any person that was present at this discourse?

I believe all the Physicians can speak to his holding this language—some of them can, I certainly know—Dr. Gisborne, Sir Lucas Pepys, Dr. Reynolds, and probably Sir George Baker.

Whether, upon the whole consideration of his Majesty's case, from your own observation, and the best information you can collect, his Majesty has mended, in his particular disorder, since you were first examined before this Committee?

No; he was more disturbed part of yesterday and the night before, from the information that I received, and is so this morning, than I usually see him.

Whether, in the report sent to St. James's, the "tranquil," "quiet," "calm," "composed," and the like, are meant by you, so far as you have signed them, to express any amendment in the King's peculiar malady, or
a dif-

a different state of temper, the same, or considerable symptoms of derangement existing?

The words are not meant by me to express any amendment of the important complaint.

Has any influence, command, direction, or persuasion, been used to you, from any person whatsoever, to represent his Majesty's case in a less favourable light than it appeared to you upon your own judgement?

Certainly not.

When Dr. Warren was examined before this Committee on Thursday last, was he acquainted at that time with the several circumstances of Dr. Willis's conduct which he has this day stated to the Committee, as having excited irritation in His Majesty?—Yes.

Whether the paper which you received from Dr. Willis was, in point of fact, according to the best of your present recollection, an acknowledgment that you had not waked his Majesty, or an acknowledgment that you had not prevented him from going to sleep?

I must refer to the paper; I can hardly say that I read it with accuracy—but I am ready to send the paper here.

Whether, upon that morning in which you say, that you used the words in the sense in which you have explained them, relative to your being a spy, you recollect being desired by Mr. Braund, or Mr. Compton, or Dr. Willis, not to go into his Majesty's room?

I certainly heard no such words at the time I was going into the room; I have already related what I heard from the Page, when I first went into the anti-chamber, at my arrival at Kew.

Did you, according the rule which on Thursday last you stated to the Committee you had made ever since Dr. Willis came, not to go in without asking the Doctor or his son whether it was a proper time, ask the Doctor or his son, on that morning, whether it was a proper time for you to go in?

No, I did not; but, upon the Doctor's observing that the King was awake, I took it for granted that this shewed that it was a proper time for my going into the King's room?

Was there any particular necessity for your going in that morning?

The same necessity there always was, together with the circumstance of its having been a bad night.

Whether the circumstances which you have mentioned, of the increase of irritation, the quickness of pulse, and the other symptoms, as having been observed by you since you were last examined by this Committee, produce any material alteration in the opinion which you have before stated to this Committee respecting the probability of his Majesty's recovery?—No.

Upon what ground was your opinion of recovery founded?

By calculation.

Withdrew.

Sir GEORGE BAKER again called in, and examined.

When did you last see His Majesty?

Yesterday morning.

Will you inform the Committee in what state His Majesty was then,
I 2 and

and had been in the day preceding, according to your own observations, and the best information you have received?

According to the information which I received, his Majesty had passed the preceding afternoon quietly; that he had had a very restless night, without any sleep; that from six o'clock to eight in the morning he was very much disturbed. When I visited his Majesty, he talked for about a minute a little consistently, but then went into a total alienation.

How long did you stay with his Majesty?

Perhaps about twenty minutes—I cannot say with accuracy.

Do you, from what you have observed on this and the former occasions, believe his Majesty to have been lately, at any time, capable of reading a book, with attention and observation, for any length of time together?

From what I have observed lately, I do not conceive that his Majesty has been capable of reading a book, for any length of time, with attention and observation.

Whether, when you observed the first symptoms of his Majesty's disorder, on the twenty second October, you communicated your apprehensions to any person?

I communicated my apprehensions by a note to the Chancellor of the Exchequer.

To any other person?

No, not that night, except to Mr. P. Hawkins.

When did you communicate your apprehensions to the Chancellor of the Exchequer?

The twenty-second of October.

Do you recollect the circumstances of that communication to the Chancellor of the Exchequer, or any thing that passed in consequence?

The terms of the communication were, "Sir G. Baker is sorry to acquaint Mr. Pitt, that he has just left his Majesty in an agitation of spirits bordering on delirium." In consequence of that communication, Mr. Pitt called on me, on Thursday the twenty-third of October, about two o'clock in the morning, I believe, after I was gone to bed. It was twelve o'clock when I came home; I sent the note to Mr. Pitt immediately after.—I endeavoured to give Mr. Pitt a more full account of what I had observed.

Do you recollect being asked, in that conversation, if you thought, under the circumstances you had mentioned, it was prudent that his Majesty should be left that night without any Physician, or something to that effect?

I do not recollect any thing of the kind.

Do you recollect mentioning, after some conversation on the particular circumstance of his Majesty's situation at that time, that Mr. Hawkins the surgeon was in the House, or next door, and that you thought that fully sufficient?

I do recollect that I told Mr. Pitt, that Mr. Hawkins and I had talked about bleeding his Majesty, and that we waited some time in consideration of that before I left the House; but we found no alarm had been taken by any of the family, and that if any difficulty occurred in the night, Mr.

Hawkins

Hawkins would naturally be sent for, and in an hour, or an hour and an half, I could come to his Majesty,

Whether you mentioned the circumstance of the King's illness to any other person near his Majesty, from that time to the time of his next attack?

I do not recollect that I did.—I must explain that; for when I went the next morning, I found his Majesty had passed a very quiet night, and was without complaint, as I communicated to Mr. Pitt by his messenger.

Then you did not conceive it necessary, or adviseable, to acquaint his Royal Highness the Prince of Wales, or any other of the Royal Family, with the apprehensions you had conceived the night before?

I did not conceive it necessary to acquaint his Royal Highness with my apprehensions the night before, for this reason only, because I thought I had been mistaken.

Did you, for the same reason, abstain from informing her Majesty?
For the same reason.

Whether Sir George Baker observes any further degree of convalescence in his Majesty, than when he was last examined before this Committee?

No signs of convalescence.

Whether Sir George Baker observes any further degree of convalescence in his Majesty, than when he was last examined before this Committee?

No signs of convalescence.

Whether Sir George Baker, duly attending to the circumstances which he has mentioned in his examination this evening, does, or does not, in his conscience, think that the chance of his Majesty's recovery, from his present indisposition, is as good, or greater, or less, than it was when he was last examined before this Committee?

It as good.

Can you define to the Committee the meaning of the word convalescence?

Some degree of recovery, I suppose, it means. If it does not mean a recovery, it means something towards a recovery.

Whether, in any disorder, any degree of amendment would come under the term convalescence?

I think hardly.—In a fever, if your pulse was somewhat quieter to-day than yesterday, I should not say that you were convalescent, but that you were better.

Is it to be understood that a person may be better, without being convalescent?

He certainly may.

When you attended his Majesty yesterday, what were the observations you made upon the state of his Majesty's pulse, and of the state of his general bodily health?

The state of the pulse was 84, and as to the state of his bodily health, it was much as it had been.—His Majesty is grown extremely thin.

Was there any fever, or any thing materially different in the state of his bodily health from what it had been for some time?

No,

No, nothing materially different.

Does his Majesty's general habit, or his present disorder, make his Majesty liable to sudden and temporary variations in the state of his pulse?

I do not know the meaning of the word habit; but as to the present disorder, it certainly makes his Majesty liable to sudden variations of his pulse. I have counted it from 68 to 126, but not within short intervals.

Whether you consider some temporary or occasional rational discourse, a proof of the absence of this malady?

I do not.

Will you inform the Committee, whether you have, or have not, known many people extremely ill of this malady, and who have never been cured that did notwithstanding occasionally use some rational discourse?

I have hardly ever seen a person in that situation, who cannot occasionally talk rationally.

Whether you do not know that persons in this malady, who in the presence of certain attendants have abstained from those discourses and actions which would indicate the malady?

Certainly.

How many persons labouring under this malady, who had been three months ill, have recovered, under the sole care of yourself, during your life?

Not one.

Whether a patient having occasional rational conversation, while labouring under this malady, is not more favourable than when that circumstance is wanting?

I like it better; but I am not sure it is more favourable.

How many patients have you, in the whole course of your life, thought it proper to continue under your sole care, after they had continued three months under your sole care, indisposed in this malady?

Twenty, I believe.

How many of those patients have you cured?

Not one.

Of that number, which you suppose to be twenty, are you able to state how many of them ultimately did recover?

I do not believe any of them.

Did those persons remain under your care, to the best of your knowledge, as long as they lived?

I do not know that.

Then, do you know whether ultimately they were cured or not?

I can say nothing at all to some of them.

Can you say under what care those, to whose case you can say nothing, were put, after they ceased to be under your care?

Some of them have gone into hospitals, others into private houses.

Whether there are particular symptoms which enable you to state it as your opinion, that patients never will be cured?

When the disorder degenerates into a state of fatuity, there are no hopes of cure.

Whether it is not common for this disorder, where it long continues without cure, to degenerate into such a state?

Very common.

What is your opinion of a calculation, which, under any management you have hitherto heard of, gives 9 cures out of 10 maladies, provided they are taken into hand within three months after the commencement of the disorder?

As far as I know, from my own experience, and from the experience of Dr. Batty, whom I attended formerly, such a calculation is incredible.

Whether the loss of flesh which you have mentioned, has been attended with loss of strength?

About a month ago there was no loss of strength—His Majesty has had so little exercise since, that I cannot judge now.

To what cause do you attribute the loss of flesh?

To agitation, and to perspiration, and less sleep than usual; those are all the causes that occur to me.

Whether loss of flesh, in cases of this sort, affords any argument as to the probability of recovery?

I think it affords no argument either way.

Sir George Baker desired the two following questions and answers, in his examination on Thursday last, might be read.

Q. "Has Sir George Baker attended his Majesty only, or has he been employed in attending the Royal Family?"

A. "Both his Majesty, and also the Royal Family—I mean the family at Windsor and at Kew."

Q. "Is Sir George Baker now employed to attend on the Royal Family?"

A. "Only the King, not the Royal Family."

Sir George Baker then desired that his answer to the first of those questions might stand as follows.

"Both his Majesty and the Queen, and the Royal Family residing with their Majesties"

And that his answer to the second question might stand as follows.

"Not on the Royal Family."

Do you know any instance of Dr. Warren, or any other Physician, by improper interruption disturbing his Majesty's rest, or preventing his going to sleep?

I know no such instance.

Sir George Baker having said, in answer to a question put to him, that, duly attending to the several circumstances which he has mentioned in his examination this evening, he does in his conscience think that the chance of his Majesty's recovery is as good as when he was last examined before this Committee—and several questions having been addressed to, and several answers given by him, since he so declared his opinion, does he continue, in his conscience, to hold the same opinion, due regard being had to the several circumstances referred to in such questions and answers?

I am of the same opinion that I was two hours ago.

Withdrew.

Sir LUCAS PEPYS again called in, and examined.

Whether you know any instance of Dr. Warren, or any other Physician, by improper interruption, disturbing his Majesty's rest, or preventing him from going to sleep?

No instance.

When did you see the King last?

I came from him this morning.

In what state did you leave his Majesty?

Rather quieter than he was last night; very far from being so calm as I have seen him.

Have there been, within the last three days, great signs of fever and irritation?

Very considerable.

How has his Majesty been, with respect to sleep, within that time?

From the report of the Pages, who have set up for the last three nights, it appears that his Majesty has not had above five or six hours sleep.

A PAPER, of which the following is a copy, was then shewn to Sir Lucas Pepys..

“ Kew House,

“ December 25th, 1788.

“ A malicious report having been industriously circulated, that Dr. Warren had gone into his Majesty's Bedchamber, contrary to the desire of Dr. Willis and the Pages, and then and there, in a violent manner, disturbed his Majesty out of his sleep, in consequence of which he became more than usually disturbed—This is to certify, that the whole of the above report is not true, and is merely founded in malice.

“ Thursday Morning.”

“ F. WILLIS.”

This paper was written by me, and signed by Dr. Willis, upon the 25th of December last.

What share had Dr. Warren in procuring the drawing up or persuading the signature of this Paper?

Having heard frequently of the report mentioned in this paper, and conceiving it to be very injurious to his character, without any communication with Dr. Warren on the subject, and whilst Dr. Warren and Dr. Willis were talking in the Room, I hastily wrote this paper, wishing thereby to put an end to all altercation. I shewed it to Dr. Warren, who immediately presented it to Dr. Willis; and I told Dr. Willis I conceived he could have no objection to sign his name in contradiction to such a malicious report: this he readily did, and Dr. Warren thanked him for having so done.—Nothing more passed on the subject.

Did Dr. Willis at the Time, make a distinction between preventing sleep, and waking from sleep—refusing to give any certificate with regard to the preventing, but consenting to this certificate with regard to the waking---or any distinctions to that effect?

No such distinctions was made to me, nor were there any more words, to the best of my recollection, passed on the subject. What they might say, I do not know, for I was writing.

Did you desire Dr. Willis to give a certificate to the former effect, which he refused?

No,

No, I never asked him any more questions on the subject.

Was not this certificate to meet the particular charges, which you have heard were circulated against Dr. Warren ?

Yes.

Will you inform the Committee, whether the report that had been circulated was, to the best of your information, that Dr. Warren had, in a violent manner, disturbed his Majesty out of his sleep—or, that he had prevented him from going to sleep?

I wished, by the certificate, to meet the report of Dr. Warren's having disturbed his Majesty while sleeping, which was the report that was circulated.

Withdrew.

Martius, 13^o die Januarii 1789.

The Reverend Doctor FRANCIS WILLIS again called in, and examined.

DO you remember the time when you were first introduced to attend on his Majesty ?

About Friday five or six weeks.

Do you remember at that time a general consultation of all the Physicians, at which you was present ?

Yes.

Was the object of that consultation to settle the general rules upon which his Majesty's case was to be conducted ?

Concerning medicines in particular.

Was it agreed, at that time, to keep out of the way of his Majesty every thing by which a person, under his distemper, might, from sudden impulse, be induced to injure himself ?

I do not remember one word about it : things of that sort, I understood, were left to me to judge at the moment.

Do you remember your having put a razor and penknife into the hands of his Majesty, the day after the consultation ;

His Majesty had not been shaved for a long while, perhaps a fortnight, or three weeks ; and the person that had been used to shave him, could not complete the parts of his upper and under lips ; and, being confident, from the professions and humour of his Majesty at that moment, I suffered his Majesty to shave his lips himself ; and then he desired he might have his whole face lathered, that he might just run it over with a razor ; and he did so in a very calm manner. His nails also wanted cutting very much ; and upon his assurance, and upon my confidence in his looks, I suffered him to cut his own nails with a penknife while I stood by him. —It is necessary for a Physician, especially in such cases, to be able to judge, at the moment, whether he can confide in the professions of his patient ; and I never was disappointed in my opinion, whether the professions of the patient were to be relied on or no.

After having attended a patient for so short a time, as you then had his Majesty, have you suffered them to shave themselves, or cut their own nails?

I do not know particularly as to that; but I have trusted them with a knife and fork, at as early a time, I believe.

As both these operations might have been performed by other people, was there any particular reason which induced you to suffer his Majesty to do them himself?

The reason was, the great uneasiness and distress his Majesty shewed from the razor going over his lips, by the length of the hair, and the person not being able to accomplish it.

Had you any conversation soon after, with Dr. Warren, on the subject of that transaction?

I believe I had, a day or two after.

What were the particulars of that conversation?

I do not know any further, than that the Doctor shewed his surprize that I had suffered his Majesty to perform those two operations himself;—upon which I told the Doctor, as I have now mentioned, I believe—that at the moment, I was sure those instruments were very safe in his Majesty's hands; but that it had a bad effect, because his Majesty imagined, from thence, that he might have the liberty of doing other things.

Upon Dr. Warren's expressing his surprize to you, did you say to Dr. Warren, that you shuddered at what you had done?

I do not remember any thing of it.

At the consultation, to which you have already referred, was it not a principle settled among the Physicians, that quiet of body and mind were to be endeavoured to be obtained by every means possible?

I believe it was; but I do not remember any particulars of it.

Do you recollect it having been settled at such consultation, that every thing should be kept from his Majesty that was likely to excite any emotion?

I do not remember any; but understood that, as I was in the house for that particular occasion, I was to use my own discretion.

Do you recollect his Majesty to have taken a walk in the garden, at Kew, on a particular day, early in the month of December?

I think his Majesty walked out two days successively, early in December.

Was it about the 12th of December?

I fancy it was there or thereabouts; he walked out but twice.

On either of those days, did his Majesty see any of the Royal Children in the course of his walk?

When he came by the house, the first day, he looked up at the windows where the Princesses are generally, and complained very heavily that they would not so much as shew themselves to him.—In consequence of which, the next day, I did desire that they should appear, and myself stood at the window, with two of the Princesses, when his Majesty was coming by; and his Majesty shewed extravagant joy at the sight of them, though he said, his eyes did not suffer him to see the Princess Amelia so well as he could wish.

How long were the Princesses in his Majesty's sight?

Not many seconds.

Do you think that this circumstance, of having seen those Princesses, was attended with any material bad consequences in his Majesty's state?

I think quite the contrary.

Do you, or do you not, think that in the conduct of such a cure, as that of his Majesty's disorder, it is of use that the patients should be gradually, or at times, accustomed to scenes of an interesting nature, such as that you have described?

I am very sure that such occurrences can scarce be too frequent, as it comforts the patient to think that he is with his family, and that they are affectionate to him;—and upon enquiries of patients who have been cured of the same indisposition, they have always mentioned those occurrences having given them the greatest comfort, and, as they thought, helped very much towards their recovery.

Is it your opinion, that suffering his Majesty to continue anxious for a sight of his children, would have been attended with more, or less, inconvenience, than the irritation which the seeing of them might occasion?

There would have been more inconvenience in his not seeing them, from his anxiety; for the irritation occasioned by a patient seeing his friends or relations is entirely overbalanced by the softening him into tears, which ever leads to amendment.

Do you consider the observing those emotions, which may naturally take place at the sight of relations or friends, as furnishing grounds of judging with regard to the state of the disorder, or the probability of the cure?

Yes, it is a favourable symptom, if the patient shews affection, instead of aversion; which latter is very often the case, in those who are not so likely to recover.

Soon after the occurrence which you have related, had his Majesty an interview with the Queen?

I believe in the Evening of that day, or the day after; I think so.

How long did that interview last?

A quarter of an hour.

Are you of opinion that this interview was attended with any prejudicial consequences, or the reverse?

I can form no opinion whether it was the one or the other, because that that night two blisters were applied to his Majesty's legs, which, from the consequence of them afterwards, I believe, were the occasion of his having a very bad night, and that his having seen her Majesty had no concern in it; but that is mere opinion.

Are these the same blisters which you have already mentioned before this Committee?

Yes; there has been no other since I came.

Are you of opinion, that the application of blisters is a salutary remedy in disorders of that nature?

I have had the greatest reason to think so, if they were not applied upon or near the head.

Was you of opinion that the blisters applied to his Majesty's legs, on the evening of the day when he saw the Queen, was a proper measure?

I thought so at that time, as I understood two blisters, that had been applied at Windsor, did not shew that they increased his Majesty's irritability.

Was it settled at a consultation, that those blisters should be applied ?
Yes.

Was there a second interview with the Queen ?
Yes.

When was that ?

It was while his legs were bad from the blisters, before they were at all well.

Were there any bad effects produced from that interview ?

I do not know that there were, nor do I know that there were any good, because of the blisters irritating him.

Do you recollect any particular circumstance which led you, in addition to your general reasoning upon the subject, to wish the King to have an interview with some of his family ?

No other than from his great uneasiness and desire to see them—and the necessity I think there is for to have such occurrences very frequently.

Do you recollect any thing of the King having seen the youngest Princess before he saw the Queen ?

Yes.

When ?

Just before he first saw the Queen.

Did any thing arise from that circumstance, which more particularly led to the interview with the Queen ?

He persuaded the Princess to promise him that she would fetch the Queen.

Did he give any signs of much anxiety upon the subject of that request being complied with ?

Very great—inasmuch that the meeting was extremely moving.

Do you recollect, among other books, to have put the Tragedy of King Lear into the hands of the King ?

His Majesty asked me to give him the Tragedy of King Lear. I told him it was improper. He then desired to have Foote's plays, and Colman's. I did not know that Colman had put out an edition of King Lear; indeed I had never read Colman's works, and when I told it to the Chancellor, he told me he was as ignorant of it as I was, and when I was charged by Dr. Warren for giving his Majesty it, I thought I had not done it, and positively said I had not;—and, it being the same day that Dr. Warren had charged me, in a most extraordinary manner, for writing what I had not, and doing with a political view what I did not, I really thought that the Doctor had charged me as falsely with the one as in the other; and was very much surprised, when I went into the Pages room, to see that King Lear was, I think, in the third volume of Colman's works. But be that as it may, it was of no consequence, for at that time his Majesty could not read three words in any book.

Was his Majesty in a very irritated state yesterday morning ?

I just saw his Majesty—when I left him, about half past seven o'clock, and he was not so then. His Majesty took hold of my hand, and said, I should not go to London; and complained of my having left him so much in the last week.

At that time did you feel his Majesty's pulse ?

I did.

In what state was it ?

An irritated pulse—considerably too quick.

Had the King a considerable fever upon him ?

A nervous fever, from irritability, more than from any other cause, in my opinion.

Was his tongue much affected ?

Yes, his tongue looked white ;—but there are appearances of an affection of the nerves from the tongue, that is rather of a different nature from that which is from fever alone—in short, what appears in hysterical cases.

How long were you with his Majesty ?

About a minute ; not more.

Had you proposed to carry out his Majesty to take the air yesterday, or the day before ?

I had an intention both days, because such appearances of fever as I judged his Majesty's to be, are to be removed by amusement, more perhaps than any thing else.

Had his Majesty been in a great perspiration the night before ?

On the Saturday night he had ; and that the only reason that determined me not to take his Majesty out.

What Physicians attended on Sunday morning at Kew.

Sir George Baker, I think.

Did Sir George Baker and you agree upon the impropriety of taking his Majesty abroad after such a perspiration ?

I don't remember that we said any thing about it.

At what time of that day did you determine against his Majesty's going out ?

I believe it was about two o'clock, but I am not sure.

Did you see His Majesty this morning ?

I did not—I saw one of the Pages.

Was you at Kew time enough to see him last night ?

I saw him go to bed, and a long while before—He went to bed extremely quiet and sensible, while I was in the room last night—went to sleep a quarter past eleven, and waked a quarter before seven, as I understand from the Page, and one of the attendants.

After you had permitted the King the use of a razor and penknife, what were the bad effects that you apprehended from his thinking that he had a right to do other things ?

His Majesty took it ill that I would not let him go up stairs to see his family, and many other things, which I found it would not be prudent to do.

Whet her you have since continued to indulge his Majesty in the use of the razor and the penknife ?

Never since, either of them, for the reason I have already given.

Is it only for fear he should ask for other liberties, which you think it proper to refuse him?

Yes.

Do you think that the expectation of the liberties which the King might call for would be of more danger to him than the use of razors and pen-knives?

To be sure, because the refusal would irritate him much, and increase his disorder.

Whether you refuse to the King all indulgencies which may be safely given, lest he should demand those that ought to be refused?

I do a great many that may be safely given.

Will you inform the Committee, whether you have frequently indulged the King in the view of the Royal Children, since the interview you mention?

Not once.

Will you inform the Committee, whether, after the first interview with the Queen, there was not a remonstrance made to you upon the impropriety of that step?

Yes, there was.

Was it only made to you by the Physicians, or carried further?

Only by the Physicians, as I know of.—I had a conversation with the Chancellor about it, and I told the Chancellor, as I did the Physicians, that I imagined that those things were left to my judgment, and to be done, or not, as it appeared best at the present moment.

Did the Chancellor encourage you in the use of that discretion, without consultation with the Physicians attending on his Majesty?

The Chancellor told me that I should consult the other Physicians as much as I could, but that I was to follow my own line, and do as I had been used to do with patients at home.

Whether any other Physician, besides Dr. Warren, expressed his disapprobation of your indulging the King in the use of sharp instruments, and in affecting interviews?

I do not know any, except Dr. Warren—I do not remember.

Were any of the rest acquainted with those circumstances?

Dr. Gisborne was present at the first interview with her Majesty.

How came the indulgence of the King in the sight of two of the Princesses at the window to be so short, when the King expressed so much satisfaction in it?

I can give no particular reason for it: His Majesty saw them as he passed along, and made a little stop; the window was not open, and they were upstairs.

What was the occasion of the interview with the Princess Amelia?

His Majesty's earnest desire, and the hope that it might have some good effect.

Whether the Princess Amelia was brought into the King's presence, or only shewn at a window?

I led the Princess Amelia into the room myself.

That

What happened on the occasion?

He was extremely fond of her, and shewed the greatest mark of parental affection I ever saw.

Did his Majesty suffer her to depart willingly?

Very willingly, on condition that she brought the Queen to his Majesty.

What was the cause why the interview with the Queen did not continue longer than the time you have stated?

Because his Majesty gave me his word it should be but for fifteen minutes.

Are you quite sure that his Majesty's discourse did not grow more disordered towards the end of that meeting than it had been at the beginning.

I was not a judge, because his Majesty spoke in German several sentences, which I did not understand;—but his Majesty took leave of the Queen and Princesses very properly.

For what reason, that night, was it thought proper, on consultation, to have recourse to blisters, for the first time since your arrival?

To make a revulsion.

What occasion was there that day more than before to have recourse to that operation?

It was determined by us in the morning to put them on that night.

Whether the King grew more composed before those blisters were put on?

I do not remember any thing about it.

Whether, after the interview with the Queen, the Physicians did not remonstrate against such interviews?

I believe they might.

Did you, at that time, tell them that you were resolved to permit such interviews at your discretion?

I told them, I believe, that I was sent for there in order to make use of my own discretion, and that they could not think themselves proper judges about it.

At what hour were the blisters put on, after the first interview?

About ten o'clock at night.

Was actual coercion used on that night?

I do not remember.

Can you recollect?

I cannot.—I believe it might be the next day, or the next night. I am not sure; it was about that time, and was the very first time it was used, I believe.

Whether you declared your intention in persisting in the grant of such indulgencies when you should think proper?

I certainly did, by implication.

Did you give any notice, or consult any Physicians, about the second interview with the Queen?

I do not remember.

When was the time of the second interview with the Queen?

I do not recollect.

Have you indulged the King with any further interview with her Majesty?

On the times that have been mentioned.

Has the King been indulged with a view of his brothers or sons?

No.

Whether any, and what conversation, gave rise to the King's desire of having the tragedy of King Lear put into his hands?

I do not know of any; I never before read King Lear in my life.

Why did you represent it as improper to give the tragedy of King Lear to the King?

Because I did understand the character of King Lear though I had not read it.

Were any of the King's Physicians, Surgeons, or Apothecaries present, when the King called for Foote's or Colman's plays?

I do not remember.

Whether the King did actually read any part, however small, of Colman's tragedy of King Lear?

I had said before, that I did not know it was there—I did not see him read it at any time.

Did you hear him refer to it?

I did not.

On the whole of your experience, for near thirty years, do you, or do you not think, that in the management of persons in His Majesty's situation, though a general line of conduct may be laid down, yet that much good may result from occasional deviations from it, when made at the discretion and under the constant observation of a Physician who is thoroughly conversant with this species of complaint?

Very certainly.

Do you think that such deviations not being allowed to such Physicians may greatly retard the cure?

I am very much of that opinion.

Do you recollect whether you ever told Dr. Warren, previous to yesterday morning, that his Majesty had asked for the play of King Lear, and that you had refused to comply with the request, as improper, before you brought his Majesty the volume of Colman's plays?

I really do not remember.

Dr. Willis having informed the Committee that from his knowledge of his Majesty's sense of religion, he has greater hopes that he will, with a proper resignation, reflect upon what it has pleased God to have afflicted him with—whether Dr. Willis grounds those hopes upon observing that his Majesty is not irritated by being sensible of his situation?

I do not understand the question.

Have you observed that the King has appeared at all sensible of his situation?

Very much so; and more particularly lately, within these few days.

What

What time do you mean by a few days ?

Within this week—but more so last night.

How come you now to be enabled to answer positively, on being asked whether his Majesty appeared sensible of his situation, that he has been very much so within this week past, when on Saturday last you said you was not sure that he had been sensible of it ?

By his situation now, I mean both his Majesty's situation as King, and his indisposition, taken together ;—complaining of his being confined in one room, when he has other places that he might be in ;—not to dine where he lies ;—and that he should be deemed a person so indisposed, as not to be suffered to be his own master ;—all which prevented him, his Majesty told me last night, from ever thinking of taking the reins of government.

Is the Committee to understand from you, that those sort of complaints have been made by his Majesty only once, or frequently ?

They have been made vaguely frequently, but not to make one understand that he was sensible of his indisposition, and the consequence of it.

Then, in point of fact, Dr. Willis, till last night, had no reasonable ground to attribute any symptoms in his Majesty's disorder to his recollection of his situation ?

I do not attribute any of his symptoms to his recollection of his disorder ; I do not remember that I ever did.

Have his Majesty's spirits appeared depressed or irritated by this consciousness, if, in point of fact, it did exist ?

Not at all, as I know of ; they are rather the consequences of irritation, than the cause of them.

Do you remember to have written, on the fifth of this month, a letter containing the following paragraph : “ His Majesty can talk of and be kept to any subject in general much better than heretofore ; but is more subject to gusts of passion upon any trifling contradiction, unless I or my son are present ; and this I rather attribute to his Majesty's being more sensible of himself and situation ? ”

Yes, I did write it, and think it.

To whom was that letter written ?

I fancy it was to the Prince of Wales.

Did that letter commence by saying, “ I am sorry I cannot give your Royal Highness so good an account this morning as I gave you when I last did myself the honour to write to your Royal Highness ; ” and then did the paragraph last quoted follow ?

It did ; the reason of that letter commencing with those words was, his Majesty having had a very bad night, which the report to his Royal Highness would plainly shew, but which bad night did not at all prove that I had a worse opinion of his Majesty's recovery, though I could not give so favourable an account as I had some days before, when his Majesty had had two or three very good nights ; and I thought it necessary to give his Royal Highness my opinion of his Majesty's state separate from his bad night.

Then you, in saying that his Majesty could talk of and be kept to any subject in general much better, referred to his Majesty's general situation ?

To his situation at that time, because the exacerbations of such disorders do not weaken in general the understanding in those cases; but as the patient recovers, we often find that the understanding is strengthened after each, especially if the time betwixt each is lengthened;—which has been the case of his Majesty for this last three weeks or a month, I think; for though his Majesty has gusts of passion, and is easily irritated, yet they are of very short duration, in comparison to what they were.

Were these gusts of passion of shorter duration than they had been when you wrote this letter to the Prince, on the fifth of January?

Very much so.

Were they more or less frequent at that time?

According as the people who were with him understood how to speak to him, they were more or less frequent.

But, in point of fact, were they more or less frequent?

Less frequent I think, too.

Dr. Willis having taken a distinction with regard to his signing the account sent to St. James's, will he inform the Committee whether he does not hold himself responsible for the truth of the accounts he sends to his Royal Highness the Prince of Wales, which he signs alone, and that they shall contain the real state of the King's situation?

To be sure.

Will you inform the Committee why you informed his Royal Highness, on the fifth of January instant, that his Majesty was more subject to gusts of passion upon any trifling contradiction, unless you or your son was present at that time, than before—when you now inform the Committee that those gusts of passion were then less frequent than they had been?

His Majesty began to feel himself more in his own situation as King, and could not bear to be contradicted so well by either Pages or attendants, and consequently would break out in gusts of passion upon things that they did for him, perhaps not in a manner that his Majesty thought became them, and which they had used themselves to when his Majesty was not so well.

Is it to this that you attribute the gusts of passion being then more frequent, as described?

Yes—and it required a more delicate behaviour than it had done before.

Then your having observed those circumstances, namely, the frequent gusts of passion, in his Majesty, and that his Majesty felt himself more in his own situation as King, so as to make a more delicate behaviour necessary to him; and having, on the fifth of January, informed his Royal Highness that you attributed such gusts of passion to his Majesty being more sensible of himself and situation;—you will now inform the Committee why you declared yourself, on Saturday last, not to be sure that his Majesty had been sensible of the nature of his illness; and why you now have informed the Committee, that it has been within this week only, and more particularly last night, that you have perceived such symptoms or effects?

His situation, as King, is different from the nature of his illness.

Do you not mean, when you state the King in that letter to be more sensible of himself and situation, that he was sensible both of his being King, and of the circumstances which must bring to his mind his malady?

No: I mean being King, and being confined in a room.

Then

Then have you, or have you not, seen in the King any symptoms of his recollection of his malady?

I think I did particularly last night.

Did you never before last night?

I may have said that I thought I had, but I am not sure.

Whether the conversation you had with his Majesty last night has not now led you to be more certain, that, on former occasions, his Majesty was, in fact, sensible of the nature of his illness, though, at the time, that circumstance was only vaguely hinted at by his Majesty, or conjectured by you?

Much more so.

Is the Committee to understand, that, previous to the fifth of January, the exacerbations of his Majesty's disorder were more strong and more frequent, though his Majesty might become, at that time, from the reason you have already given, more subject to particular gusts of passion upon any trifling contradiction, unless you or your son was present?

Yes, certainly.

Do you mean to say, that the observation you made on his Majesty last night could at all have affected any opinion you formed, or any communication you made, on the fifth instant?

Not at all.

Why you, having observed, as you state in your letter to his Royal Highness on the fifth instant that you did, that his Majesty's frequent gusts of passion were to be attributed to his Majesty being more sensible of himself and situation—why you informed the Committee, on Saturday last, that you had now less apprehensions with respect to the consequences of his Majesty's reflecting upon his illness, than when you was examined before the former Committee?

Because I was then better acquainted with his Majesty's principles, and notions of religion, than I was before.

Withdrew.

Veneris, 9^o die Januarii, 1789.

The Reverend Dr. FRANCIS WILLIS again called in,
and asked,

WHETHER your son, Dr. John Willis, is a Physician?

He took his degrees at Edinburgh about fourteen years ago—has practised as a Physician ever since—he was bred up at Oxford—studied physic there first, and was afterwards four or five years at Edinburgh.

How long has he attended his Majesty?

He came the Thursday after I came—I came on the Friday.

Has he been consulted as a Physician since he has attended at Kew?

As to the medicines—and, though he has not signed the report, always was consulted about it.

Was

Was Dr. John Willis ever consulted by the other Physicians in forming any prescription for medicine to be given to his Majesty?

I think I answered before that he was.

Has he ever signed his name to any one prescription?

Several.

For his Majesty?

I think so—am pretty sure so—there never was any prescription without his being there.

Then you understand that all the other Physicians consider Dr. John Willis, and act with him, as a Physician attending on his Majesty, and not an assistant to you in the care of the King?

I understand as a Physician.

Why has Dr. John Willis never signed the report sent to St. James's?

I never knew any reason.

By whose direction was Dr. John Willis summoned to attend his Majesty?

I understood by the Privy Council—Lord Sydney sent the letter.

When was the letter sent?

I believe it was on the Monday or Sunday before he came.

Who informed you that the Privy Council sent for your son?

Lord Sydney sent the messenger, that is all I know.

To whom was the letter sent?

To Dr. J. Willis.

Whether you know that it was at the desire of the Physicians the letter was sent, or at whose desire?

I really do not know—but I believe Dr. Warren first said that I could not attend enough, that it would be too much for me.

Whether you sign the prescriptions?

I sign them, or give my consent to the Physician that writes to sign my name.

When Dr. Warren mentioned that your son should be called on, as you could not attend enough, did you understand that Dr. Warren meant as an assistant, or as a Physician?

As a Physician as well as any thing else—not as an assistant distinguished from a Physician.

Do you consider your son as in any degree responsible for the medicine administered to his Majesty?

I imagine so.

Withdrew.

Dr. RICHARD WARREN again called in, and exexamined.

Whether you consider Dr. J. Willis as attending his Majesty in the character of a Physician, or as an assistant to Dr. Willis in the care and management of his Majesty?

I have always considered him as an assistant.

Do you consult with Dr. J. Willis, as a Physician, before you prescribe for his Majesty?

Dr. J. Willis is generally, I believe I may say almost always, present at the consultations; we enquire of him how the King has passed his time—When medicines are proposed, Dr. J. Willis has often spoke upon the subject

ject of them; and attention has been paid to what he said—yet at the same time I considered him only as an *amicus curiæ*.

Do you not make the same sort of enquiries from the other four medical gentlemen who are in attendance on his Majesty?

Yes; but they do not talk about medicines.

Do you consider Dr. J. Willis as responsible with you in the prescriptions and physical treatment of the King?

I think not.

Does Dr. J. Willis sign those prescriptions with you?

It is usual for the writer of the prescriptions to put down the initials of the names of the consulted Physicians—I believe when I have written the prescription, I have never put his name down.

In that case then, as far as you are concerned, Dr. J. Willis is responsible for the medicines administered?

No.

Does Dr. J. Willis sign the reports sent to St. James's?

No.

If he had acted, and had been consulted, and considered as a Physician attending on his Majesty, would it not have been right and necessary that he should have taken his share of the responsibility in both or either of those respects?

It would be certainly right that he should.

Has Dr. Willis, the father, signed the prescriptions, and from what time?

I apprehend the father's name is put down to the prescriptions from the time that he came.

When did he subscribe his name to the reports?

I do not exactly know the time, it is easily seen.

Did he desire so to do?

I understood from the Chancellor that he did.

Have the other Physicians, or any of them, subscribed the initials of Dr. J. Willis's name to prescriptions for his Majesty?

I do not know—but I have been told that some of them have.

Do you consider Dr. J. Willis more in the character of a Physician, with respect to his situation about the King, than the four other Medical Gentlemen attending his Majesty, namely, Mr. Hawkins, Mr. Keate, Mr. Dundas, and Mr. Battiscombe?

More respect is due and paid to him, because he has taken a degree.

But with respect to his situation about the King, do you act with him, or consider him more in the light of a Physician than those four Gentlemen?

No.

Would not the same attention have been paid to any other Physician then present, who had seen his Majesty, though not at all attending as a Physician to his Majesty?

Provided there was no impertinence in his being there.

If, after Dr. J. Willis conversed with Dr. Warren upon the subject of the medicines for his Majesty, Dr. J. Willis had desired Dr. Warren, when he was writing the prescription, to put the initials of Dr. J. Willis to such prescription, or to permit him, Dr. J. Willis, to do so, Dr.

Warren

Warren, knowing that Dr. J. Willis had been educated at Oxford, and had taken a Doctor's degree at Edinburgh, and had practised physic for thirteen or fourteen years since he took that degree, would have made the same objection to adding such initials or permitting them to be added to the prescription, as he would have done if the Surgeons and Apothecaries, all or any of them, had made the same request with respect to their own initials?

The question must have been, whether Dr. John Willis was authorized to act there as a Physician.

Considering the circumstances of Dr. John Willis's attendance upon his Majesty, and that he is a Physician who has been educated and has taken a degree, in the manner mentioned in the last question—if Dr. John Willis had made such a request with respect to his initials, should Dr. Warren have thought it an impertinent request?

Certainly—unless he was considered as responsible for the medicines.

Then does Dr. Warren consider the other Physicians, if any, who have put the initials, or permitted the initials of Dr. John Willis to be put to their prescriptions, as having done, or suffered to be done, an improper act, considering the circumstances under which Dr. John Willis attends his Majesty?

I can only answer for my own conduct—I think I should not be called upon to judge of others.

If Dr. Warren had permitted the initials of Dr. John Willis to be put to a prescription, does he think (answering for his own conduct, if it had been such) that he would have done an improper act, considering the circumstances under which Dr. John Willis attends his Majesty?

I should never consider it as a permission, unless I had been asked whether his initials should be put down; because they are often written by the prescribing Physician after the prescription has been agreed to, and the initials not particularly examined.

Whether, if his permission had been asked, when a prescription was written by himself, or any other of his Majesty's Physicians, to put the initials of Dr. John Willis to such prescription, together with his own name; and if he had given that permission, Dr. Warren, answering for his own conduct, would have thought he had done an improper act in giving his permission, considering the circumstances under which Dr. John Willis attends his Majesty, and considering the circumstances of his education at Oxford, the fact of his having taken the degree of Doctor of Physic at Edinburgh, and the fact of his having practised as a Physician for thirteen or fourteen years past?

The propriety of putting the initials down must depend upon the responsibility of the person.

Whether, the several circumstances mentioned in the foregoing questions being duly attended to, if Dr. John Willis had this morning asked Dr. Warren's permission to put his initials to a prescription, Dr. Warren would this morning have refused to give such permission?

Degrees in physic give no authority to practise in London, or within seven miles of London; there is no other qualification than that of being a Fellow or Licentiate of the College of Physicians.—If the circumstance of being about his Majesty induced me to think him responsible for the medicines, I should have put the initials down.

In point of fact, due attention being paid to all the circumstances relative to Dr. John Willis's attendance upon his Majesty, would Dr.
Warren

Warren this morning have refused to permit the initials of Dr. John Willis to be put to a prescription, upon the conviction of his (Dr. Warren's mind that those circumstances do not make him responsible in such a degree as to make it sufficiently proper that those initials should be put; and whether the fact of his Majesty's being at Kew would induce Dr. Warren to form an opinion upon the propriety of giving such permission, different from the opinion which he might have on such propriety if his Majesty was at Windsor?

The rule to guide me, whether the initials of a person attending his Majesty should be put down to a prescription, must be my being informed that that person is put about the King by proper authority.

Has Dr. Warren, in point of fact, written many of the prescriptions for his Majesty, and subscribed the initials of the other Physicians?

I have not written many since his Majesty came to Kew; but when I have written, I have put down the initials of the Physicians present.

Whether you know that a letter was written by Lord Sydney to bring Dr. John Willis to town?

I know of no such thing as a letter written by Lord Sydney.

Do you know in what manner Dr. John Willis was sent for to attend the King?

I consulted the Chancellor and Mr. Pitt on the propriety of Dr. Willis's servants being sent for.—They were sent for with the consent of the Chancellor and Mr. Pitt.—Dr. Willis wrote the letter, and I believe I advised him to send for his son to assist him.

Has any other of the persons then sent for up been present at a consultation, and given an opinion respecting the medicines?

No.

Whether Dr. Warren did not know that there was other approbation, besides the Chancellor and Mr. Pitt, for sending for Dr. Willis's servants?

Not for sending for them, but for making use of them afterwards.

What other approbation was there for making use of them?

I understood that it was communicated to Dr. Willis—the Doctor told me he had authority to make use of those servants.

Does Dr. Warren apprehend that Dr. John Willis's attendance was with the knowledge or approbation of any of the Royal Family?

I could not think otherways, but I never was told so.

Did Dr. Warren conceive that the approbation of any of the Royal Family given to the attendance of Dr. John Willis was given as a Physician, or as the principal person to direct the servants of Dr. Willis?

Not as a Physician, but as assistant to his father.

On what grounds does Dr. Warren entertain that opinion?

Because, upon enquiry, soon after his arrival, when a prescription was written, whether John Willis's name was to be put to it, he declined it.

By whom and of whom was that enquiry made?

By one of the Physicians asking, at a morning consultation, whether Dr. John Willis's name was to be put to it.

Did Dr. John Willis decline.

Yes.

Were any observations made upon it by any one else?

I believe not.

Had Dr. John Willis not declined to sign the prescription, should you have had any objection?

I should then have supposed that he had had authority to act as a Physician.

Dr. Warren having said, that he believed that other Physicians have put Dr. John Willis's initials to prescriptions, should he, in that case, conclude that Dr. John Willis has authority to attend his Majesty?

Dr. Warren can only answer for the motives of his own conduct.

Whether, when you recommend it to his Majesty's Ministers to send for Dr. John Willis, you intended to recommend it to them to send for him in the character of an additional consulting Physician, or as an assistant to his Father in the care and management of the King?

I did not recommend it to Ministers to send for John Willis at all, that I know of.—I recommended it to Ministers to send for Dr. Willis's servants; and I advised the Doctor to send for his son to assist him, because I thought the confinement more than he could submit to.

Whether you had, either to his Majesty's Ministers or to Dr. Willis, ever suggested a wish that Dr. John Willis should be called in to aid his Majesty's Physicians in consultation?

No.

Whether any notification from authority was ever made to you, that Dr. John Willis was to be considered in that light?

No.

Whether you have ever heard from any of your brethren, the King's Physicians, that notification to that effect had been made to them?

No.

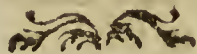
Whether you explained, either to Dr. Willis the father, or to Dr. John Willis, that Doctor John Willis was sent for as the director of Dr. Willis's other servants, and not in the same character as Dr. Willis himself, as a Physician who had dedicated his attention particularly to that branch of medicine?

Dr. Willis's son was sent for merely at my own suggestion, as I apprehend, to assist his father, without my knowing that he had even taken a degree.

When you understood that Dr. John Willis was a regular-bred Physician, did you then make the explanation as stated in the former question?

I do not recollect that I said any thing to him upon the subject.

Withdrew.



A N
AUTHENTIC COPY
O F
Mr. PITT's LETTER
T O
HIS ROYAL HIGHNESS
T H E
PRINCE of WALES,
W I T H
HIS ANSWER,

L O N D O N:

PRINTED FOR JOHN STOCKDALE, OPPOSITE
BURLINGTON HOUSE, PICCADILLY.

MDCCLXXXIX.

A

GENUINE COPY,

ᄒc. ᄒc. ᄒc.

*To his ROYAL HIGHNESS the PRINCE
of WALES.*

SIR,

THE proceedings of Parliament being now brought to a point, which will render it necessary to propose to the House of Commons, the particular measures to be taken for supplying the defect of the Personal Exercise of the ROYAL AUTHORITY during the present interval, and your ROYAL HIGHNESS having some time since signified your
B 2 pleasure,

pleasure, that any communication on this subject should be in writing, I take the liberty of respectfully entreating YOUR ROYAL HIGHNESS's permission to submit to your consideration the out-lines of the plan which HIS MAJESTY's *Confidential Servants* humbly conceive, (according to the best judgment which they are able to form) to be proper to be proposed in the present circumstances.

It is their humble opinion, that YOUR ROYAL HIGHNESS should be empowered to Exercise the ROYAL AUTHORITY in the *name* and *on the behalf* of HIS MAJESTY, during HIS MAJESTY's illness, and to *do all Acts* which might legally be done by HIS MAJESTY; with provisions, nevertheless, that the *care of HIS MAJESTY's Royal Person*, and the management of HIS MAJESTY's *Household*, and the *direction and appointment of the Officers and Servants therein*, should be in the QUEEN, under such Regulations as may be thought necessary. — That the Power to be Exercised by YOUR ROYAL HIGHNESS should not extend to the granting the Real or Personal PROPERTY of the KING, (except as far as relates to the *Renewal of Leases*) to the granting any OFFICE in Reversion, or to the granting, for any other Term than during HIS MAJESTY's pleasure, any PENSION, or
any

any Office whatever, *except such as must be by law granted for Life, or during good behaviour,* nor to the granting any Rank or Dignity of the PEERAGE of this Realm, to any Person, except HIS MAJESTY'S ISSUE who shall have attained the age of twenty-one years. These are the principal points which have occurred to HIS MAJESTY'S *Ministers*.

I beg leave to add, that their ideas are formed on the supposition that HIS MAJESTY'S Illness is only *temporary*, and may be of no *long duration*. It may be difficult to fix before-hand, the precise period for which these Provisions ought to last; but if unfortunately HIS MAJESTY'S Recovery should be protracted to a more distant period, than there is reason at present to imagine, it will be open hereafter to the wisdom of PARLIAMENT, to re-consider these provisions, whenever the circumstances appear to call for it.

If YOUR ROYAL HIGHNESS should be pleased to require any further explanation on the subject, and should condescend to signify your orders that I should have the honour of attending YOUR ROYAL HIGHNESS for that purpose, or to intimate any other mode in which YOUR ROYAL HIGHNESS may wish to receive such explanation, I shall respectfully

B 3

fully

fully wait Your ROYAL HIGHNESS's commands.

I have the honour to be,
With the utmost deference and submission,

SIR,

YOUR ROYAL HIGHNESS's

Most dutiful

And devoted Servant,

W. PITT.

Downing-Street,

Tuesday Night, Dec. 30. 1789.

AUTHENTIC COPY of
HIS ROYAL HIGHNESS the PRINCE of
WALES's Answer to Mr. PITT's Letter.

THE PRINCE of WALES learns from Mr. Pitt, that the proceedings in Parliament are now in a train which enables Mr. Pitt, according to the intimation of his former letter, to communicate to the PRINCE, the outlines of the plan which His MAJESTY's confidential Servants conceive proper to be proposed in the present circumstances.

Concerning

Concerning the steps already taken by Mr. *Pitt*, the PRINCE is silent—Nothing *done* by the two Houses of Parliament can be a proper subject of his animadversion; but when, previously to any discussion in Parliament, the outlines of a scheme of Government are sent for his consideration, in which it is proposed that he shall be personally and principally concerned, and by which the Royal Authority, and the public welfare, may be deeply affected, the PRINCE would be unjustifiable, were he to withhold an explicit declaration of his sentiments. His silence might be construed into a previous approbation of a plan, the accomplishment of which every motive of duty to his FATHER and SOVEREIGN, as well as a regard for the public interest, obliges him to consider as injurious to both. In the state of deep distress, in which the PRINCE, and the whole ROYAL FAMILY were involved, by the heavy calamity which has fallen upon the KING, and at a moment when Government, deprived of its chief energy and support, seemed peculiarly to need the cordial and united aid of all descriptions of good subjects, it was not expected by the PRINCE, that a plan should be offered to his consideration, by which Government was to be rendered difficult, if

not impracticable, in the hands of any person intended to represent the KING's Authority, much less in the hands of his ELDEST SON—the HEIR APPARENT of his kingdoms, and the person most bound to the maintenance of His MAJESTY's just Prerogatives and Authority, as well as most interested in the happiness, the prosperity, and the glory of the People.

The PRINCE forbears to reason on the several parts of the sketch of the plan laid before him; he apprehends it must have been formed with sufficient deliberation to preclude the probability of any argument from him producing an alteration of sentiment in the projectors of it. But he trusts, with confidence, to the wisdom and justice of Parliament, when the whole of the subject, and the circumstances connected with it, shall come under their deliberation.

He observes therefore only generally on the heads communicated by Mr. *Pitt*; and it is with deep regret the PRINCE makes the observation, that he sees, in the contents of that letter, a project for producing weakness, disorder, and insecurity in every branch of the Administration of Affairs.—A project for dividing the ROYAL FAMILY from
each

each other—for separating the Court from the State, and thereby disjoining Government from its natural and accustomed support.—A scheme disconnecting the authority to command service, from the power of animating it by reward; and for allotting to the PRINCE all the invidious duties of Government, without the means of softening them to the people, by any one act of grace, favour, or benignity.

The PRINCE's feelings on contemplating this plan, are also rendered still more painful to him, by observing, that it is not founded on any general principle, but is calculated to infuse jealousies and distrust (wholly groundless, he trusts) in that quarter, whose confidence it will ever be the first pride of his life to receive and merit. With regard to the motive and object of the Limitations and Restrictions proposed, the PRINCE can have but little to observe. No light or information whatever is afforded him by His MAJESTY's Ministers on those points. They have informed him *what* the powers are, which they mean to *refuse* him, not *why* they are *with-held*.

The PRINCE, however, holding as he does, that it is an undoubted and fundamental principle of the Constitution, that the powers

ers and prerogatives of the Crown are vested there, as a trust for the benefit of the People, and that they are sacred only as they are necessary to the preservation of that power and balance of the Constitution, which experience has proved to be the true security of the liberty of the subject, must be allowed to observe, that the plea of public utility ought to be strong, manifest, and urgent, which calls for the extinction or suspension of any one of those essential rights in the Supreme Power, or its Representative; or which can justify the PRINCE in consenting, that, in his person, an experiment shall be made to ascertain with how small a portion of Kingly Power the Executive Government of this country may be carried on.

The PRINCE has only to add, that if security for His MAJESTY's re-possessioning his rightful Government, whenever it shall please Providence, in bounty to the country, to remove the calamity with which he is afflicted, be any part of the object of this plan, the PRINCE has only to be convinced, that any measure is necessary, or even conducive to that end, to be the first to urge it as the preliminary and permanent consideration of any settlement in which he could consent to share.

If

If attention to what it is presumed might be His MAJESTY's feelings and wishes on the happy day of his recovery, be the object, the PRINCE expresses his firm conviction, that no event would be more repugnant to the feelings of his ROYAL FATHER, than the knowledge, that the Government of his SON and Representative had exhibited the Sovereign Power of the realm in a state of degradation, of curtailed authority, and diminished energy—a state, hurtful in the practice to the prosperity and good Government of his People, and injurious in its precedent to the security of the MONARCHY, and the rights of his Family.

Upon that part of the plan which regards the KING's real and personal property, the PRINCE feels himself compelled to remark, that it was not necessary for Mr. *Pitt*, nor proper, to suggest to the PRINCE, the restraint he proposes against the PRINCE's granting away the KING's real or personal property.

The PRINCE does not conceive, that, during the KING's life, he is, by law, entitled to make any such grant; and he is sure, that he has never shewn the smallest inclination for possessing any such power. But it remains with
Mr.

Mr. *Pitt* to consider the eventual interests of the ROYAL FAMILY, and to provide a proper and natural security against the mismanagement of them in others.

The PRINCE has discharged an indispensable duty, in thus giving his free opinion on the plan submitted to his consideration.

His conviction of the evils which may arise to the KING's interests, to the peace and happiness of the ROYAL FAMILY, and to the safety and welfare of the nation, from the government of the country remaining longer in its present maimed and debilitated state, outweighs, in the PRINCE's mind, every other consideration, and will determine him to undertake the painful trust imposed upon him by the present melancholy necessity (which of all the KING's subjects he deploras the most) in full confidence, that the affection and loyalty to the KING, the experienced attachment to the HOUSE of BRUNSWICK, and the generosity which has always distinguished this nation, will carry him through the many difficulties, inseparable from this most critical situation, with comfort to himself, with honour to the KING, and with advantage to the Public.

✂ *The Editor, for delicate Reasons, has postponed the Constitutional Remarks to the next Edition.*

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D E B A T E S
IN THE
H O U S E O F L O R D S,
ON THE
S U B J E C T
O F A
R E G E N C Y.

Thursday, November 20, 1788.

THEIR Lordships began to come down to the House at half past Two o'clock, and at half past Three the House was very full of Peers. About Four o'clock the Lord Chancellor came, and took possession of the Woolfack, and their Lordships then proceeded to prayers; which being finished,

Lord *Chancellor* came forward, and said, That their Lordships had been called unusually together in consequence of the last Commission for the Prorogation of Parliament having expired; his Lordship added, that holding the office which he did, it would have been his duty to have received his Majesty's directions respecting a further prorogation; but the reason of the omission was, "The severity of the disorder under which his Majesty unfortunately labours, had rendered

B

rendered it impossible for him to approach his Royal Person to receive those Commands."

Earl
Camden.

Earl *Camden* rose next, and said, he would trouble their Lordships only with a very few words. The Earl then spoke to the propriety of the day on which it would be proper to adjourn the House. He observed that it had been usual to give *forty* days notice, but that the necessity of the times had often made it necessary to limit the period, and confine the notice to a much shorter duration; his Lordship instanced cases of rebellion, invasion, &c. as the circumstances and situations of the country to which he referred, and having drawn a distinction with regard to the present case, concluded with moving to resolve,

1st. "That this House do at the rising thereof adjourn to this day fortnight."

2d. "That the Lord Chancellor be directed to write to each and every Lord of that House, desiring their attendance on that day."

The Lord Chancellor then put the questions separately, which were agreed to *nemine dissentiente*, and the House then adjourned to Thursday the 4th day of December.

Thursday, December 4.

The House met according to adjournment, and as soon as prayers were over,

Lord
Chancellor

The Lord *Chancellor* informed the House, that in obedience to their commands, he had sent letters round to every Peer, earnestly requesting their attendance that day, and that he had received letters in answer from such Lords as were then absent (naming them) stating that their absence was caused by illness, and that they hoped for their Lordships indulgence on not seeing them that day in their places.

Several other Lords made similar excuses for the Duke of Bolton, and other Peers.

Lord
President.

The Lord *President of the Council* next rose, and lamented that their Lordships had again been obliged to assemble, without hearing
a speech

a speech from the Throne, a circumstance occasioned by the continued infirmity of his Majesty, which still rendered him incapable of meeting his Parliament, or attending to any public business whatever: by the absence and incapacity of the King, the Earl observed, that the Legislature was defective and incomplete, whence all the functions of the executive Government of the country were actually suspended: that it was impossible for the country to remain in that condition, and that in the maimed and dismembered state of the Legislature, it devolved on the two Houses of Parliament to make some provision to supply the deficiency, and such a provision as should be competent to the necessity of the case; but before the two branches of the Legislature took any one step on a subject of so truly delicate and important a nature, the necessity of the case must be proved. With that view therefore, and with that view only, the Lords of the Council had called the five Physicians who attended his Majesty during his illness before the Board, and had severally examined them on oath as to the state of the King's health, and their opinion of the duration of his malady, and the probability of his recovery. This, (although the Lords of the Council had, as it were, lost the spring and motion of most of their consultations and functions,) he conceived the Board might legally do, as the precedents of their proceedings under former similar situations of the country sufficiently evinced. It had not, he said, been deemed wise, or proper, that every question that of a sudden might start into the head of any individual Lord of the Council should be put to the Physicians, and therefore it had been settled what questions should be put to them, and by whom, previous to their having been called into the Board Room, and a Minute of the whole examinations had been taken down in writing at the time. With the leave of their Lordships, he would present a copy of the Minute of the questions that had been put to the Physicians, and their answers: from which their Lordships would know authentically what was the state of his Majesty's health, and the opinion of his Physicians, as to the probability of his recovery.

The Question having been put, "That the Minute be presented," ordered.

The Reading Clerk then read the Minute, which contained the Examinations of Dr. Warren, Sir George Baker, Sir Lucas Pepys,

Dr. Reynolds, and Dr. Addington. The first Question put to each of the Physicians was, in substance, “Whether they thought his Majesty’s present Indisposition rendered him incapable of meeting his Parliament, or attending to any sort of Public Business?” To which they all in different words declared, that “he certainly was incapable.” The other Questions went to their opinion of the probability of his recovery, and the duration of his illness, and to the grounds on which they founded their several answers, whether from any particular symptom in his Majesty’s disorder, from experience, or, from both? They all assigned reasons for thinking that his Majesty was likely to recover, but could give no satisfaction as to the time of the duration of his Majesty’s illness, and declared their opinions were not founded on any particular symptom in his Majesty’s case, but from their own experience, and the experience of those Physicians who had been accustomed more especially to attend patients labouring under the same infirmity with which his Majesty was afflicted, and who had made that branch of medicine the peculiar object of their practice.

Dr. Addington, in the course of his examination, spoke in very strong terms of the probability of his Majesty’s recovery, grounding his opinion on his own experience in that peculiar branch of medicinal practice, from which he was enabled to pronounce, that unless the disorder had been hereditary, there was every reason to expect a cure, and that afterwards his Majesty would be in as good health, and as capable of attending to business, as he was at any time previous to the commencement of his illness. That he had met with frequent instances of a similar case in the neighbourhood of Reading, where he resided; that he had many years since built an house adjoining to his own, for the reception of patients afflicted with the same malady; that he had generally eight or ten of them in the house; and that, unless the patients at the time of their admission had been upon reasonable grounds deemed incurable, he scarcely remembered one who had not perfectly recovered in less than a year; and that in some instances, notwithstanding they had laboured under the infirmity for one year, or more, before they were sent to him.

As soon as all the examinations had been read, the Lord *President* moved, “That the Minute do lie upon the table,” which, on the question put, was agreed to.

The Lord *President* next moved, "That the said Minute be taken into consideration on Monday next, and that the Lords be summoned."

This was also agreed to *nemine dissentiente*, and the House then adjourned to Monday.

Monday, December 8.

Soon after the Lord Chancellor had taken his seat on the Wool- Marquis sack, the Marquis of Stafford rose, and acquainted the House with of Stafford the indisposition of the Lord President, and said he should, with submission, propose a few questions for their Lordships consideration. His Lordship then observed, that the Report of the Minutes of Council, which had been presented to that House on Thursday last by the noble Earl then absent, had been ordered to be taken into consideration that day, but, before he submitted any matter to the House, he thought it his duty to acquaint their Lordships that two other Gentlemen of the Faculty had been called in to attend his Majesty on the present melancholy occasion, and therefore some noble Lords might think it necessary that the examination of those persons should likewise be taken.

This brought on a conversation, in which Lord Kinnaird, the Duke of Norfolk, Lord Derby, Lord Portchester, Lord Radnor, Lord Loughborough, Lord Carlisle, Lord Stormont, and Lord Fauconber said a few words.

The Marquis of Stafford then moved,
 "That a Select Committee be appointed to enquire into the present State of his Majesty's health."

"That the said Committee do consist of twenty-one Lords."

"That each Lord do leave with the Clerk at the Table a List, containing the names of twenty-one Lords."

The several Physicians were, upon Motion, ordered to attend the Committee.

Thursday, December 11.

As soon as Prayers were over, and the Lord Chancellor had taken the Woollack, the Report from the Committee "appointed to

“examine the Physicians who have attended his Majesty, touching the State of his Health,” was made by the Lord President, which, upon Motion, was read by the Clerk, and ordered to be printed for the use of their Lordships.

Lord President. The Lord *President* observed to their Lordships, that the Examinations that had been just read, sufficiently evinced the melancholy situation of his Majesty's health; but as his Majesty's Physicians could not give their Lordships any satisfaction as to the time when his Majesty would recover, it was incumbent on the two Houses of Parliament, in the present maimed, impotent, and defective condition of the Legislature, to proceed to make some provision for the purpose of supplying the deficiency, and restoring energy and exertion to the executive Government of the country. Before, however, they proceeded to that very important and necessary step, he should take the liberty of moving for a Committee to search for and report Precedents of the proceedings in similar cases, or cases at all analogous to the present, in order that having fully before them what the wisdom of their ancestors deemed necessary modes of proceeding in cases of difficulty and danger, they might meet the necessity of the moment under circumstances of the greater safety. The propriety of such a Motion was so obvious, that he should have conceived no possible objection could have been offered to it, but that it would have passed as a Motion of course; he had, however, heard of an idea that had been started in another place, where it had been declared to have been founded in common law and in the spirit of the Constitution. If such was the common law, and such the spirit of the Constitution, his Lordship declared it was wholly unnecessary for the House to give themselves the trouble of searching for Precedents, because the idea to which he alluded put an end at once to their power of deliberation on the subject. The idea was, that the Heir Apparent being of age, had a *claim* to assume the regal authority, and take upon himself the administration of the Government *as a matter of right*, during the period that his Majesty laboured under the disorder that rendered him unable to discharge the regal functions. If this was the common law, his Lordship protested it was a secret to him; he never had entertained any such notion, nor had he, before the present occasion, either met with it in any writer, or heard it laid down as a maxim by any lawyer whatever.

ever. Those who broached such a notion, his Lordship said, would have done well to have been sure that they were right, before they hazarded so new and so extraordinary a doctrine, because opinions of that tendency were much sooner raised than laid, and might involve the country in infinite confusion and disorder. The assertion of such doctrine, however, was as strong an argument in proof of the expediency of the Motion he meant to offer as could possibly be urged, because their Lordships, he conceived, had too much regard to their own dignity to admit themselves to be Usurpers of the Rights of another, without first searching and examining Precedents that would convince them whether they were Usurpers or not. Having made a prefatory speech to this effect, the Lord President moved,

“ That a Committee be appointed to examine and report Precedents of such proceedings as may have been had, in case of the personal exercise of the Royal Authority being prevented or interrupted by infancy, sickness, infirmity, or otherwise, with a view to provide for the same.”

Lord *Loughborough* rose the moment the Motion was handed to the Lord Chancellor, and said he was aware that it was unusual for any Lord to speak before a Motion had been read by the noble and learned Lord on the Woolsack, but on the present occasion he must claim the indulgence of their Lordships for a few moments, as he wished to declare that he had not upon his coming down to the House expected that any thing could arise to make it necessary for him to trouble the House that day. His being present was, upon his honour, purely accidental; when he left the Committee-room the preceding day, he had understood that there would be nothing done farther than a motion of course, and the unusually thin attendance that there had been early in the day, and the manner in which noble Lords had come into the House, so contrary to the manner in which they had attended ever since the melancholy occasion of their meeting had occurred, all led him to imagine that there would be no discussion, nor, indeed, discourse of any kind. In fact, so convinced had he been that no debate would arise, that he had himself been the innocent cause of keeping other Lords from coming down, who would have made a point of being present, had they foreseen that any such subject as that mentioned rather irregularly by the noble Earl, in opening a motion, to which it bore not properly any

Lord
Lough-
borough.

relation,

relation, would have been introduced. When he looked round the House, he regretted exceedingly the absence of several noble Lords, and particularly of one noble and illustrious Person who was most peculiarly interested in the discussion that must necessarily take place. The topic, however, having been introduced, though irregularly, he should be under the necessity of following the noble Lord's example, and deliver such of his sentiments upon it as presented themselves to his mind at the moment; but as he was taken unawares, and must necessarily speak unprepared, he trusted to their Lordships candour and indulgence to excuse the loose manner in which he might deliver himself. As soon, therefore, as the Motion was read he would trouble their Lordships again.

The Lord *Chancellor* read the Motion.

Lord
Lough-
borough.

Lord *Loughborough* then rose a second time, and went much at large into a discussion of the subject introduced by the Lord President. In the early part of his speech he complained of the wording of the Motion as vague and indefinite. It did not confine the Committee to search for any distinct, precise line of Precedents, but left them at large to examine general history, and report just as much, or as little, as they thought proper. The expression *or otherwise*, he said, was so indefinite, that no clear idea could be annexed to it; in his opinion therefore the Motion should have been differently worded, if the House expected to derive any useful or material information from the institution of the Committee. With regard to the idea which the noble and learned Lord had said had been stated in another place, he knew not whether the noble and learned Earl's information had been accurate, but he had heard of another assertion, a most extraordinary one indeed, that had been boldly, arrogantly, and presumptuously made elsewhere. As he found the same assertion in a miserable political pamphlet, the produce of a venal pen, he was induced to imagine that it was true that such an assertion had been made by the person and in the place where he had been informed it was made. The assertion was, "that the Prince of Wales, the Heir-Apparent to the Throne, had no more right to take upon himself the government during the continuance of the unhappy malady that incapacitated his Majesty, than any other individual subject." His Lordship commented on this assertion with much animation and argument, contending that

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it was founded in the idea that the Regency was *elective*, which he maintained could not be the case. He said, by the settlement of the Constitution, and by various statutes, the Crown of these kingdoms was *hereditary*, and that, by the 25th of Edward the Third, any person who should, by ill-advised speaking, or writing, assert the contrary, was liable to be prosecuted, and to incur the pains and penalties of a premunire. There were not, he declared; but two possible cases in which the Throne could become vacant, so as to make it the duty of the two Houses of Parliament to provide for the exercise of the regal authority; the one, a total subversion of the Government by a breach of the original compact, as in the case of an abdication of the Throne; the other, when the royal line becomes extinct, and the King upon his demise leaves no heir. The case at present was widely different. Having stated this, his Lordship proceeded to declare that the assertion that the Heir-Apparent had the right to take upon himself the exercise of the Royal Authority, in case of the personal incapacity of his Majesty, was a doctrine undeniably founded in law. To illustrate this, he pointed out the dangers of considering the Regency as *elective*. Were the case so, he said, the two Houses of Parliament might set up a Pageant of a Regent, and, in fact, assume the Government themselves, because a Regent so elected must necessarily be the slave of his electors. The single Precedent of a Regent having been appointed by an House of Parliament to be found in our history was, he said, the horrible Precedent in the reign of Henry the Sixth. A Precedent that led to the desolation and distraction of the country, and all the wars between the Houses of York and Lancaster. In that case the House of Lords singly named the Duke of York Protector, who was of all others the most unfit person to be invested with that power, but who had so many relations and adherents in that House, that he procured himself to be appointed Protector. From that miserable instance their Lordships would see that the only branch of Legislature which had ever assumed the power of electing a Regent, was their own House.—Were their Lordships prepared to follow the example, and would the other House consent that they should arrogate to themselves that power? He took notice of the Lord President's having declared that the Legislature was maimed, impotent and defective at present; it certainly was so, wanting its
invi-

invigorating head and spring. That was another reason which proved that the two Houses of Parliament could not elect, nominate, or appoint a Regent. By the act that provides for securing the Crown in the Protestant succession, and by an Act in the 13th of Charles the Second, the two Houses are prevented from making law of themselves, or doing any one Legislative Act without the consent of the King. They could not make a turnpike act, and yet would it be seriously argued that they could elect a Regent? If they could do the one, they might surely do the other. If they could change the Government, or change the succession, they might surely do the other. If they could change the Government, or the succession, they might give it any form they chose; appoint a Regent, more Regents than one, or give it the form of a Mahratta Government. There was no saying to what an extent of infringement of the Constitution the two Houses might not proceed, if they once broke through the barriers which the Law and the Constitution had prescribed. Besides, was it remembered that a neighbouring kingdom was connected with us, and acknowledged allegiance to the British Crown; if once the rule of regular succession was departed from by the two Houses, how were they sure that the neighbouring kingdom would acknowledge the Regent the two Houses might take upon themselves to elect? The probability was, that the neighbouring kingdom would depart from our departure from the rule of hereditary succession, and choose a Regent of their own, which must lead to endless confusion and embarrassment. But it had been declared that the Prince of Wales had not more right than any other individual subject. No more *right*? Was the Prince of Wales a common subject? Did not the law describe him to be one and the same with the King? Lord Coke expressly stated it so. Was it not as much high treason to compass or imagine the death of the Prince Wales as the death of the King? Was it high treason to compass or imagine the death of any other individual subject? In fact there was no comparison between the rights of the Prince of Wales and the rights of any other individual subject. His Lordship remarked that it so happened that the two Houses were at that time Houses of a legal Parliament, legally summoned by the King's writs, and in consequence legally assembled; but supposing the case had occurred in the intermission of Parliament, would any man say that it would
not

not have been warrantable for the Prince of Wales, as Heir-Apparent, to have issued writs, and called the Parliament together? Upon this, and a great variety of other reasoning, his Lordship maintained his positions that the Regency was *hereditary* and not *elective*, that the Heir-Apparent had a right, during the interruption of the personal exercise of the Royal Authority, by his Majesty's illness, to assume the reigns of Government, but declared that he did not mean that the Prince of Wales could violently rush into the Government, but that upon the authentic notification of the King's unfortunate incapacity to the two Houses of Parliament, the Prince ought of right to be invested with the exercise of the Royal Authority. His Lordship referred the House to Mr. Justice Forster's Treatise on the Principles of the Revolution, Mr. Justice Blackstone's Chapter of his Commentaries that treated of Regal Power, and to the productions of other constitutional writers, as well as to the speeches of Lord Somers and others, who conducted the Revolution, as the authorities by which his arguments would be found to be supported. He repeated his apology for the loose form in which he had expressed his sentiments, declaring that they were opinions nevertheless not lightly nor hastily adopted, but confirmed and established in his mind, after much mature and serious deliberation on the subject. Before he sat down, his Lordship said, when an opportunity offered for his discussing the subject with better preparation, he would undertake to maintain as a lawyer, by a series of inferences from common law, the spirit of the Constitution, and analogy, to the conviction of every man of common sense, the truth of the doctrine he had then reasoned upon.

The Lord *Chancellor* left the Woolfack, and expressed his dissatisfaction, that in the progress of a business peculiarly grave and important in its nature, there should have occurred any thing like a difference of opinion, or unpleasant altercation. Had their Lordships waited till the ultimate question came under discussion, in all probability there would not have been found much disagreement on any side, and consequently much of what had been said that day might have been spared. His Lordship declared, all he had that day heard had not satisfied his mind. He wished, therefore, before he was to give his opinion upon so delicate a subject, to have the full advantage of every information and every Precedent that could be found,

Lord
Chancellor

found, that bore any sort of analogy to the present unfortunate and calamitous situation of the country. With regard to the doctrine that had been maintained by the noble and learned Lord who spoke last, though every thing that came from a Magistrate of his distinguished situation came with great force and authority, he could only say, that it was perfectly new to him, and that he had not heard it before. The noble and learned Lord he observed had remarked, that in the eye of the Law the Prince of Wales and the King were one and the same. Would their Lordships take a metaphorical expression, and force a literal meaning upon it? His Royal Highness the Prince most certainly was peculiarly distinguished by his rank and birth, and dignities; it ought however to be recollected, that he was, nevertheless, a subject. The noble and learned Lord had, in the course of his argument, put the case in two different points of view; he had suggested, that his Majesty's unfortunate illness might have happened in the intermission of Parliament, as well as having happened as it had done, while the two Houses of Parliament met in the usual and regular way; and the noble and learned Lord had said, in the case of an intermission of Parliament, would not the Heir Apparent have been warranted in taking upon himself to issue writs and call the two Houses together? The fact, his Lordship said, had actually happened in the reign of Henry the Sixth, when the Heir Apparent did issue writs and call the Parliament together; but what was the first proceeding of that Parliament? They passed an act of indemnity for those who advised the measure of putting the Great Seal into the hands of an infant only nine months old. Having explained this historical fact, his Lordship took notice of what had fallen from Lord Loughborough respecting Ireland, and lamented that it had been dropped, since it was *spargere voces in vulgum ambiguas*. Such vague and loose suggestions, he said, could answer no useful purpose, but might produce very mischievous consequences. He declared he had every reliance on the known loyalty, good sense, and affection of that country, and felt no anxiety on the danger of Ireland's acting improperly. He said, he should purposely avoid entering at all into the discussion of the important topics that had that day engaged so much of their Lordships attention, because he considered such a discussion as premature, and did not think the Question ought to be in any degree pre-occupied;

plied; indeed, he saw no other end that could arise from it, but affording a subject for a frivolous paragraph in a newspaper to set idle people talking upon which side of the argument this or that noble Lord spoke, while the sensible by-stander would observe, that their Lordships had began at the wrong end, and were discussing the conclusion before they had settled the premises. His Lordship said, it was unnecessary for him to use any arguments in justification of the Motion, as no objection had been made to it. He complimented Lord Loughborough on his having spoken of a Prince of Wales in the abstract, without affecting in the treatment of such a delicate subject to rest any part of his argument on the personal virtues of the present Heir Apparent, who he said should always have his applause, when the expression of it would not be an act of impertinence. His Lordship spoke of the impossibility of separating the natural and political character and capacity of the King, and said, while the Crown remained firmly fixed on his Majesty's head, the difficulty lay in appointing a proper Regent.

Lord *Loughborough* rose again to declare, that what he had said, certainly had not originated in any wish that the sentiments of so humble a speaker as himself might appear in a newspaper. His Lordship observed, that it was unnecessary for him to make any reply to the noble and learned Lord, since, as far as he had proceeded, the noble and learned Lord had admitted the facts that he had suggested. Lord
Lough-
borough.

The Lord *Chancellor* came again from the Woolfack to declare, that it had been far from his intention to impute to the noble and learned Lord any such motive for his argument of that day as a desire to see his speech in a newspaper; he should, he declared, be ashamed to ascribe any such motive to a Member of either House, or, indeed, to any Gentleman whatever. He had merely stated the consequence that might result from prematurely agitating important questions which were not yet before them. Lord
Chancellor

Earl *Stanhope* said, he was in the country when the news reached him of his Majesty's unfortunate illness, and he came to town with no other sentiment than a determination to oppose the proposition of saddling the Regent with a permanent Council, if any such proposition should have been made. But that he could not sit silent and hear it denied to the two Houses of Parliament that they had the power, Earl
Stanhope.
in

in case of a vacancy on the Throne, or the interruption of the personal exercise of the Royal Authority, to make provision to supply the deficiency. His Lordship addressed his argument chiefly to what had fallen from Lord Loughborough, and read an extract from the Bill of Rights, touching the conditions on which the Prince of Orange and the Princess Mary were offered and accepted the Crown; that declaration, he observed, was the act of the two Houses of Parliament. He next asked how the Hanover family came to the Throne? and stated different instances of the two Houses interfering with regard to the succession to the Crown, to prove that their interference was constitutional.

Duke of
Norfolk.

The Duke of *Norfolk* observed, that the greatest part of what had been said, was foreign to the Motion before the House, to which he wished to confine himself. His Grace argued against the introduction of the words *infancy*, and *or otherwise*, and wished it had been limited to sickness only, because he was sure then that no precedent whatever could have been produced, and that such must have been the Report of the Committee.

Lord
President.

The Lord *President* justified the wording of the Motion, and declared that his head must be strangely illogical, if the term *infancy* was not peculiarly in point to the present occasion.

Lord
Stormont.

Lord *Stormont* supported the arguments of Lord Loughborough, and added several others in confirmation. His Lordship said, by the approbation that had been signified when the declaration that the Prince of Wales had no more right to exercise the Royal Authority, during his Majesty's unfortunate illness, than any other individual subject, was alluded to, he was persuaded it was a favourite doctrine with noble Lords of a certain description, and that it was thrown out with a view to feel the pulse of the nation. He contended against the idea of the Regency being elective, and argued, that if that doctrine were admitted, it must lead to a Republic. He reminded Earl Stanhope that his arguments on the Bill of Rights and the Revolution were irrelevant, in answer to what had been said by Lord Loughborough, that noble and learned Lord having expressly mentioned, that the two Houses of Parliament could legally provide a successor to the Throne only in two instances; one of which was, when a subversion of the Government took place by a breach of the original compact between a Sovereign and his subjects, which was

precisely

precisely the case at the Revolution. He complimented the noble Earl, however, on his objection to saddling the Regent with a permanent Council, and instanced the case of Poland, to prove that the most distinguished abilities in an elective Monarch could not prove advantageous to his People, or render his Government either beneficial or glorious, while he was fettered with a permanent Council. His Lordship declared, in the name of the Peers of Scotland, that if the two Houses took upon themselves to depart from the rule of succession, and elect a Regent, the Nobles of his part of the Realm would consider the Act of Union as suspended. After ridiculing the idea of setting up a competitor with the Prince of Wales, mentioning the case of the Duke de Guines, who boldly usurped the Regency of France, and speaking in terms of affectionate sorrow of his Majesty's illness, his Lordship concluded with earnestly recommending, that an address of the two Houses, intreating the Prince of Wales to assume the exercise of the Royal Authority, and hold it during his Majesty's incapacity, should be voted and presented to his Royal Highness.

Lord Sydney avowed it to be his opinion that during the interruption of the personal exercise of the Royal Authority, occasioned by his Majesty's illness, no person, however high his rank, however distinguished his birth, had a legal claim to assume it as matter of right. His Lordship remonstrated against the unfairness of arguing that a particular declaration must have been the declaration of a Right Hon. Friend of his in another place, because a noble and learned Lord had met with it in what he called a miserable pamphlet, the produce of a venal pen.

Lord
Sydney.

Lord Portchester said, the secrecy with which every step in relation to his Majesty's illness had been taken, the confining the examination of the Physicians to a Committee of Twenty One, and although five days were allowed after the laying the Minute of the Privy Council on the table, the calling upon him and other Lords in five minutes after the examinations of the Physicians before the Committee of Twenty one had been read, to vote for a Committee to search for Precedents, made him regard the proceedings of Ministers on the subject with an exceedingly jealous eye. His Lordship referred to the reign of Edward the Third, when that King's son, a minor (afterwards called the Black Prince) was declared Regent,

Lord
Portchester

by

by his Father during his absence, and reasoned much at large upon that and other Precedents. His Lordship, after reprobating the Motion, on account of the indefinite terms in which it was expressed, asked if it included Precedents of what had been done in the *absence* of the Sovereign?

The Earl of *Hopetoun* made a short speech.

At length the question was put and agreed to.

Friday, Dec. 12.

As soon as the Lord *Chancellor* had taken the Woolfsack, a Committee was appointed to inspect the lists delivered in at the table of Twenty-one Lords, to be appointed as a Committee “ to examine
“ and report Precedents of such proceedings as may have been had,
“ in case of the personal exercise of the Royal Authority being pre-
“ vented or interrupted by infancy, sickness, infirmity, or other-
“ wise, with a view to provide for the same.”

After some time the Lord *President* came into the House and informed their Lordships, that the Committee had met and inspected the several lists, and had desired him to report the following names as a Committee, viz.

Archb. of Canterbury,	Earl Bathurst,
Lord Chancellor,	Lord Stormont,
Lord President,	Bishop of London,
Lord Privy Seal,	Lord Osborne,
Duke of Richmond,	Lord Sydney,
Duke of Portland,	Lord Loughborough,
Earl Derby,	Lord Walsingham,
Earl Coventry,	Lord Grantley,
Earl Dartmouth,	Lord Hawkesbury,
Lord Radnor,	Lord Kenyon,
Lord Chatham.	

The Lord *President* then moved, “ That the said Committee, or
“ any eight or more of them, do meet the next day in the Prince’s
“ Chamber.”

“ That no Lord but those of the Committee be present.”

Lord

Lord *Hopetoun* moved, “ That the Report from the Committee appointed to examine the Physicians who had attended his Majesty, touching the state of his Majesty’s health, be printed,” which upon the question put, was ordered accordingly.

The House then adjourned till Monday.

Monday, December 15.

As soon as prayers were over, the Lord Chancellor adjourned the House during pleasure, in order to give an opportunity to some Lords who were expected to come down. Soon after four o’clock, his Lordship again took the Woolfack, when

Earl *Fitzwilliam* rose, and began with apologizing for the irregularity of bringing on a Conversation, without intending to make a Motion, or to state any Question that would render such Conversation agreeable to form and order; but irregular as he confessed it was, he trusted their Lordships would overlook it, on account of the momentous subject to which it referred, and the great delicacy that every one of their Lordships must confess ought to accompany all their proceedings upon the present unfortunate and calamitous situation of affairs. Having thus besought the indulgence of the House, the Earl proceeded to explain the nature of the object which had induced him thus irregularly to address their Lordships. In consequence of discussions held else-where, a Question upon the rights of a most exalted Personage was about to be agitated, a question which he was thoroughly persuaded could not be brought under discussion, without producing effects that every well-meaning and considerate individual must wish to avoid. The public already had, in some measure, caught the alarm, and much uneasiness had been manifested upon the subject; he rose, therefore, to deprecate the discussion of any such Question in that House, since he was persuaded it would be infinitely more satisfactory to most of their Lordships, that the question might not be agitated, and he the rather deprecated the discussion, as it could not be in the smallest degree necessary that it should take place. It would, he said, be a very great satisfaction to his mind, and to the minds of many who heard him, if any one of

Earl
Fitzwil-
liam.

his Majesty's Ministers would rise, and assure the House that it was not their intention to bring any such Question under agitation before their Lordships, as that to which he had alluded, and in the hopes that he should be favoured with such an explanation, he would, for the present, sit down.

Lord President. The Lord *President* came forward and said, the moment in which he was speaking, and indeed every moment at present, was a moment of great delicacy, difficulty, and embarrassment; it behoved his Majesty's Ministers therefore to conduct themselves with the most guarded and wary caution, and to take care that by any premature disclosure of what steps they meant to take in the present critical situation of affairs, they did not commit themselves imprudently; but the candid manner in which the noble Earl had explained what he had stated, demanded every polite and civil return in his power to make. At present, as the House well knew, a Committee of their own had been employed in searching for all the Precedents their records would afford, to guide their Lordships in such proceedings as they should think it became them to take, upon the important subject, that had, ever since they met, engrossed their attention. That Committee had not yet been able to make their Report; previous to the receipt of which, it was utterly impossible to proceed a single step. When the Report should come, it would be necessary to move to have it printed for the use of their Lordships, and then time must be allowed for their Lordships to make themselves masters of the various Precedents it contained, previous to their grounding any proceeding upon it. Were he to say no more, the Lord President declared, he should conceive he had given the noble Earl as satisfactory an answer as the noble Earl had a right to expect; but he thought he might venture to go one step further, and say, that it was not the wish of Ministers to agitate more Questions than were absolutely necessary. The rights of the two Houses of Parliament had been questioned, and two noble Lords, an illustrious and learned Baron, not then present, and a noble Viscount, had argued very much at large and with great authority against the existence of those rights; it became therefore absolutely necessary that rights so essential and important should not be left unsettled and undecided, before they proceeded to the other necessary steps in the providing a Regency. But as the noble Earl had put a Question to him, would the noble

Earl

Earl in turn give him leave to put a Question to him; would the noble Earl and the other noble Lords who acted in concert with him declare, that all question of the Rights of Parliament was abandoned by them, and admitted to exist in full force?

Earl *Carlisle* said, he had not conceived that either of the two noble Lords alluded to, had questioned the Rights of Parliament; ^{Earl Carlisle.} because if their arguments had borne that tendency, he should have imagined they would have objected to the appointment of a Committee to search for Precedents as altogether unnecessary, and that the House would have found itself in a very different stage of the business from that which it stood at present.

Earl *Fitzwilliam* replied to the Lord President, but all we could hear him say distinctly was, that, after having risen to deprecate the discussion of a question respecting the Rights of another person, it could not be expected that he should turn short round and admit the Rights of others in opposition to those Rights. ^{Earl Fitzwilliam.}

The Duke of *York* next rose. His Royal Highness began by declaring, that perfectly unused as he was to speak in a public assembly, he could not refrain from offering his sentiments to their Lordships on a subject in which the dearest interests of the country were involved. He said, that he entirely agreed with the noble Earl (Lord Fitzwilliam) and other Lords, who had expressed their wishes to avoid any question which tended to induce a discussion on the Rights of the Prince. The fact was plain, that no such claim of Right had been made on the part of the Prince; and he was confident that his Royal Highness understood too well the sacred principles which seated the House of Brunswick on the Throne of Great Britain, ever to assume or exercise any power, *be his claim what it might*, not derived from the will of the people, expressed by their Representatives, and their Lordships in Parliament assembled. ^{Duke of York.}

On this ground his Royal Highness said, that he must be permitted to hope, that the wisdom and moderation of all considerate men, at a moment when temper and unanimity were so peculiarly necessary on account of the dreadful calamity which every description of persons must in common lament, but which he more particularly felt, would make them wish to avoid pressing a decision which certainly was not *necessary* to the great object expected from Parliament, and

which must be most painful in the discussion to a family already sufficiently agitated and afflicted.

His Royal Highness concluded with saying, that these were the sentiments of an honest heart, equally influenced by duty and affection to his Royal Father, and attachment to the constitutional rights of his subjects; and that he was confident, if his Royal Brother were to address them in his place as a Peer of the Realm, that these were the sentiments which he would distinctly avow.

Lord Chancellor The Lord *Chancellor* left the Woolfack to declare that what they had just heard must make a strong impression on the minds of their Lordships, and that it could not but be extremely gratifying for them to know that the mode that they should adopt on the present melancholy occasion, would give the utmost pleasure and satisfaction to the exalted Personage, who must necessarily feel the greatest interest in their deliberations and decisions. He declared for one, that no man could be more determined than he was to avoid having any questions brought forward that were unnecessary, and that he was ready to bind himself by any words or phrases, however strong, not to vote for any question that took any other direction than the straight path of the public good. His Lordship spoke of Questions of Right as generally invidious, and often unnecessary, and declared that on the present critical subject no question ought to be brought into agitation that the nature of the subject did not actually and absolutely demand to be discussed. He reminded their Lordships of the steps they had hitherto taken in the important business before them, and of the stage at which they had arrived, observing that they had followed the same line with the House of Commons, but it had so happened, that the House of Commons were in a more advanced stage of the business. At present their Lordships' Committee were employed in searching for Precedents, and had not yet been able to make their report. When that report should come before them, they would be enabled to see what step ought farther to be taken, with a view to do that which they must all wish to see done, viz. to restore vigor and efficacy to the executive Government of the country, and he should suppose, above all things, to take care faithfully to discharge the duty of subjects, and preserve the rights of the King entire; so that when God should permit his Majesty to recover from his present melancholy malady, he might

not find himself in a worse situation than he was in before his infirmity, or disabled from the full exercise of all his rightful prerogatives. His Lordship took notice of the eloquent and energetic manner in which a noble Viscount had, in their last debate, expressed his feelings on the present melancholy situation of his Majesty; feelings rendered more poignant from the noble Viscount's having been in habits of personally receiving various marks of indulgence and kindness from the suffering Sovereign; his own sorrow, his Lordship declared, was aggravated from the same circumstance; his debt of gratitude also to his Majesty was ample, for the many favours his Majesty had graciously conferred on him, which, when he forgot, *might GOD forget him!* His Lordship took notice, that in the last conversation that had taken place in that House upon the subject, two opinions different from each other had been propounded, as these opinions ran in opposite lines, and could not be brought to one and the same point, some path between the two he conceived must be chalked out; what that path was, remained for their Lordships to find, and possibly they would be assisted by some communication from the other House. His Lordship again declared, it was nevertheless his opinion, as much as it was that of the noble Earl who had begun the conversation that day, that no question that was not absolutely necessary ought to be agitated; and that, if it could be done, the proceeding with perfect unanimity was most desirable. His Lordship spoke of their not being ripe for any decision yet, and urged the little use of debating before the Report was made from the Committee, and further proceedings had thereupon.

Earl Fitzwilliam rose again to remonstrate against the idea of having it stated that private affection ought to govern their Lordships in an important proceeding, on which the public welfare so essentially depended. His Lordship said, he was persuaded the Brunswick Family would consider it as an ill compliment to them to ground a proceeding of that magnitude on the basis of private and personal affection to the King. Earl Fitzwilliam.

The Lord Chancellor said, the noble Earl had misconceived him, if he imagined he barely rested what they ought to do in the present emergency on their private affection for the person of the Sovereign; they had heard him expressly declare it to be *their duty as subjects* to Lord Chancellor

preserve the rights of the King entire. Not that he would have any noble Lord, or any man living, imagine that there was a shade of difference between the public allegiance and loyalty due to the Prince and the private affection and love his subjects bore him. His Majesty, in a reign of twenty-seven years, had proved his sacred regard to the principles that seated his ancestors on the British Throne, and his anxious desire on every occasion to maintain and uphold, in all its purity, that Constitution that made his subjects a free and a happy people ; there was no difference therefore whatever between the public duty and private affection due to such a Prince.

Lord
Stormont.

Lord *Stormont* said, he agreed in many points with the noble and learned Lord who had left the Woolfack, he would therefore only detain their Lordships with stating in what he differed from that noble and learned Lord. The noble and learned Lord had stated that two opinions had been propounded in the last debate that ran in parallel lines, and could not be reconciled and brought to one and the same point. So far from this being the state of the case, he thought nothing could be more easy than to reconcile the one to the other ; his Lordship then begged leave to remind the House of what he had in his speech on Thursday last repeatedly mentioned, viz. that the agitating the subject that day discussed, and which gave occasion for the two opposite opinions to be stated and insisted upon, was not imputable to him or to any one noble Lord who had spoken on his side of the question. Their Lordships must all remember that the subject had been introduced by the Lord President of his Majesty's Council in a most extraordinary, and, he would say, *disorderly* and *unparliamentary* manner.

Lord Stormont was called to order, and the House was for some seconds thrown into confusion, by different Lords rising at the same time to speak.

Duke of
Richmond

The Duke of *Richmond* said he spoke to order, no question was before the House, he would therefore move, " That the House do
" *adjourn.*"

Lord
Stormont.

Lord *Stormont* said Lord Sydney had called him to order, and Lord Derby, and several Lords near him, having repeated the words, " Lord Sydney to Order."

Lord
Sydney.

Lord *Sydney* rose with some warmth, and said he was commanded by five or six Lords on the opposite Bench to speak. He lamented
that

that the House had already betrayed a temper that in his mind ill became the solemnity and importance of the subject that they were discussing. Such behaviour was not decent there. He knew not what offence he had given that he should receive a reprimand, but if any noble Lord had taken offence at him, he would have them know, from the noble Baron near him (Lord Rawdon) to the noble Viscount on the other side, that there were other ways of settling differences between one Gentleman and another. His Lordship soon recovered his calmness, and said, he thanked God warm as he was by nature, his warmth seldom lasted long. He then stated why he thought Lord Stormont had been out of order, viz. in alluding to matters that had passed in a former debate.

Lord *Rawdon* said he presumed the noble Secretary of State alluded to him, by saying, "from the Baron near him." If so, he Lord Rawdon. knew not what provocation he had given to the noble Lord to talk in the manner he had done. The noble Lord knew that he was not of a temper to submit to be brow-beaten any more than himself. He had been of opinion that the noble Viscount had, in the last debate, very properly reprobated the introduction of a topic not before their Lordships, which had at the moment given his mind very great anxiety. That topic had been introduced, as the noble Viscount was stating, when he had been interrupted, and called to order, by the Lord President, and that in an irregular way. His Lordship with great ability complained of introducing any discussion that was likely rather to excite disagreement and difference of opinion, than produce unanimity and cordiality. He complimented the Lord Chancellor on having so expressly declared his coincidence in that sentiment, and mentioned the bills that were pasted up in the streets, with a view to call the multitude to take a part in the discussions of Parliament, and to mislead and inflame their minds by inferences grossly false and violent. He joined in deprecating the discussion of the Question of Rights, and said, if he stood singly on the subject, he would divide the House against its being agitated. His Lordship took notice of what Lord Sydney had said, of proper behaviour in that House, and declared that a due regard to the rules and orders of their Lordships, and, what was still stronger, his own feelings would prevent his becoming liable to any imputation on that head.

Lord
President.

The Lord *President* said, he could not sit silent, and hear himself charged with having been guilty either of a crime, or at best a very high and censureable act of indiscretion. A noble Viscount had said, that he in a manner equally extraordinary, disorderly, and unparliamentary, had introduced the topick on which they had discoursed last Thursday. He was ready to confess that he did take notice of what had passed *in another place*, in the course of his opening speech; but he denied that, from the general words he had used, any noble Lord was warranted to fix on him a charge of having spoken in a disorderly or an unparliamentary manner. Not that he meant to deny, that by *the other place*, he did mean the House of Commons. He certainly did, and if the question were put to him, whether any allusion in that House to what had passed in the other was disorderly and irregular, he should admit that it was. But such allusions they all knew, though in strictness irregular, were made every day and overlooked, or if noticed, done so by stating that they were disorderly in so good humoured a tone, that no party felt uneasy. The noble Viscount had that day used the word *unparliamentary* with so angry and vehement a tone, that it seemed as if they were determined to proceed with a degree of passion and animosity, that were exceedingly to be lamented. He must however, in justice to himself, deny that he was that wicked and bad man who had broached the doctrine of the Rights of the Prince, in contradistinction to the Rights of the two Houses of Parliament. He did not first broach the doctrine, and therefore he did not hold himself answerable for the consequences. Having been broached it must be noticed, because they were engaged in a proceeding that would materially affect the liberties of posterity, and therefore nothing dark or doubtful ought to be suffered to remain untouched and undecided in the adjustment of so momentous a concern.

Lord
Stormont.

Lord *Stormont* said he was glad he had been interrupted, as he had heard so able an argument from the noble Lord near him (Lord Rawdon); at the same time it gave him concern that another noble Lord should have taken offence at what he meant as a mark of personal respect. He had not had the honour of sitting in the other House of Parliament, but he had ever understood the being called to order implied a Parliamentary charge, and that the rule was for the person
called

called to order to sit down, and the other Member to state his charge of breach of order. With this view, when the noble Secretary of State had called him to order, he had sat down and said, " Lord Sydney to order," and had also interrupted a noble Duke, who, he saw, was not aware that the noble Lord who had called him to order was on his legs. After this explanation Lord Stormont proceeded to resume the thread of his discourse, and to state why he thought the two opinions that had been propounded in the last debate might be reconciled. As it was then publicly known what was the intention of Government in regard to the Regency, which he reminded their Lordships was a circumstance not known to the House when they had last discussed the subject, his opinion was, that they should proceed forthwith to declare the Prince of Wales Sole Regent. At present, with a dismembered Legislature, the country stood in a situation in which it ought to be suffered to remain as short a time as possible. As it was necessary, according to all their opinions, to proceed to *practical measures*, it ill became them to waste the time in agitating *theoretical speculations*. Of that nature was the question of Right, which, in his mind, it was equally idle and fruitless to discuss. He remonstrated warmly against delay, and asked the House if they wished to follow the example of that whimsical set of philosophers who, when Mahomet the Second scaled the walls of Constantinople, and took the city by storm, were actually taken in the act of sitting in debate upon fruitless metaphysical speculations, and idle and frivolous enquiries. He thought they ought to proceed to declare the Prince Sole Regent, and as all the Royal Prerogatives were allowed to the Sovereign, not for his pleasure or satisfaction, but with a view to the good of the subject, to vest the Prince with them altogether. He put the case of an affectionate father, who would wish his son's government to be prosperous; to be prosperous it must be strong, and without every power that Government ought to possess, it could neither be prosperous nor strong. His Lordship laid a good deal of stress on the danger of continuing without a vigorous executive Government. With regard to the safety of the State from foreign enemies, he looked to the vigilance of Ministers, the force of the country, and the friendly dispositions of the neighbouring powers. His confidence in respect to danger from abroad, was further confirmed and fortified in his knowledge, that

that most of the foreign powers were at this time under sufficient circumstances of difficulty and embarrassment themselves. But a variety of reasons might be stated to prove the pressure of the moment, and the urgency of the case ; he particularly pointed out the anxious and unpleasant situation of Lord Carmarthen, as Secretary of State for Foreign Affairs, who for several weeks past had not been able to send a single instruction to any of our Ministers abroad, since it was well known all such instructions were sent in the name and at the command of the King.

Lord
Chancellor

The Lord *Chancellor* once more came from the Woolfack to state that Lord Rawdon had misconceived him ; he had merely said he should be averse to the discussion of unnecessary questions. Many minute points would of course be brought forward one by one, and rendered subject to discussion ; but it would be in the power of any one Lord to provoke the discussions of points, which it seemed to be the general and anxious desire of most of the noble Lords who had spoken that day to avoid. It depended therefore on the discretion of noble Lords themselves, that their future deliberations should assume either a complexion likely to proceed with unanimity or otherwise. If such topics as the noble Viscount had referred to in the latter part of his speech were insisted on, they would unavoidably compel the House to go into the discussion of every question that had been stated to be unpleasant, and likely to excite uneasiness and difference of opinion.

Earl
Stanhope.

Earl *Stanhope* expressed his anxious wish that what the House had that day heard from a noble Duke (the Duke of York) could have been given in any way in writing, so as to have been made, in some way or other, matter of record. It was too important a communication to be suffered to remain in fleeting words, which could not be handed down to posterity for them to grasp, and quote as a proof of the existence of an essential part of the Constitution.

Duke of
Gloucester

The Duke of Gloucester next rose, and after stating the peculiar unpleasantness of his own situation, and declaring that it was only four hours since he had heard that any thing was to be agitated upon the subject that day, deprecated with great energy and feeling the discussion of a question which could only tend to produce the most mischievous consequences. He declared himself a mere individual, not influenced by party, but actuated by a sincere love of his country,

and

and a strong sense of what he knew would be his Majesty's feelings were he happily to recover from his present lamented indisposition. His Royal Highness trusted that the good sense and loyalty of a majority in each House would yet prevent the threatened decision on this point. Perseverance in it was mischievous to the last degree, and could not be meant for the public good. For his part, his Royal Highness added, he felt so strongly on the subject, that if the attempt was to be persisted in, and the question brought before the House, he could only say that he believed he should not dare to trust himself to come forward and speak his sentiments on the extraordinary conduct of those who were unnecessarily inclined to compel a decision on so delicate a question.

Lord *Cathcart* rose to state that the papers pasted against the walls of the public streets, which had been alluded to by a noble Lord, were not the only attempts of the kind to inflame the minds of the multitude, but that other papers replete with violence and falsehoods, and calculated to state the conduct of Ministers falsely, and make it appear that one of them had set himself up as a competitor with the Prince of Wales, had first been pasted up and distributed through the Cities of London and Westminster. Lord Cathcart.

Lord *Cathcart* concluded with moving to adjourn.

The Lord *Chancellor* then put the Question, and the House adjourned.

Wednesday, Dec. 17.

Soon after the Lord Chancellor had taken the Woolfack, the Lord President of the Council brought up the Report from the Committee who had been appointed by the House in the course of the last week "to examine and report Precedents of such Proceedings as may have been had in case of the personal exercise of the Royal Authority being prevented or interrupted by Infancy, Sickness, Infirmary, or otherwise; with a view to provide for the same."

The Report was then read by the Clerk, and ordered to lie on the table.

It

It was afterwards moved,
 “ That the said Report be printed.”
 Which upon the Question put was ordered accordingly.
 The House then adjourned.

Tuesday, Dec. 23.

As soon as prayers were over, and the Lord Chancellor had taken the Woolfack, a message was brought from the House of Commons by the Marquis of Worcester, to desire a conference with their Lordships, on a matter of high importance to his Majesty and the nation.

The same was, upon the Question put, agreed to, and appointed to be held immediately in the Painted Chamber.

The House then adjourned during pleasure, and the Lord President, Lord Privy Seal, Duke of Richmond, the two Principal Secretaries of State, and several other Lords, Managers appointed to carry on the conference for the House of Peers, withdrew: after a short time they came back, and the House was resumed, when the Lord President rose, and acquainted their Lordships, that the Managers on the part of the Commons (by the Marquis of Worcester) had delivered to him three Resolutions, to which they desired their Lordships concurrence.

His Lordship moved that the same be read by the Clerk, which was accordingly done, and are as follow, viz.

I. “ That his Majesty is prevented, by his present indisposition, from coming to his Parliament, and from attending to public business, and that the personal exercise of the Royal Authority is thereby for the present interrupted.”

II. “ That it is the Right and Duty of the Lords Spiritual and Temporal and Commons of Great Britain now assembled, and lawfully, fully, and freely representing all the Estates of the people of this Realm, to provide the means of supplying the defect of the personal exercise of the Royal Authority, arising from his Majesty’s

“ Majesty’s said indisposition, in such manner as the exigency of the
 “ case may appear to require.”

III. RESOLVED,

“ That for this purpose, and for maintaining entire the Constitu-
 “ tional Authority of the King, it is necessary that the said Lords
 “ Spiritual and Temporal and Commons of Great-Britain, should de-
 “ termine on the means whereby the Royal Assent may be given in
 “ Parliament to such Bill as may be passed by the two Houses
 “ of Parliament respecting the exercise of the powers and authorities
 “ of the Crown in the name, and on the behalf of the King during
 “ the continuance of his Majesty’s present indisposition.”

It was then moved, “ That this House do, on Friday next, resolve itself into a Committee of the whole House, to take into consideration the present State of the Nation,” which, upon the Question put, was ordered accordingly. The Report from the Committee appointed to examine his Majesty’s Physicians, and the Report from the Committee appointed to search the Journals, &c. and report Presidents, was likewise referred to the said Committee.

A casual conversation took place between Lord Loughborough, and Lord Hawkesbury, on the motion above stated.

Lord *Loughborough* said, the words of the Resolutions just read, Lord
 struck his mind with a degree of astonishment. He had never before ^{Lough-}
 heard, that it was constitutionally the province of the other House ^{borough.}
 of Parliament to resolve what was the right, and what was the duty
 of that House. He charged the Report of the Committee with
 great inaccuracy and negligence, declaring, that it was a secret to
 him that he had been chosen a Member of the Committee. He said,
 several of the Precedents were imperfect, most of them incorrectly
 stated, and no one of them immediately applicable. Indeed, he
 defied the industry of man to produce a Precedent directly in point
 with the present situation of the country in consequence of his
 Majesty’s incapacity. He mentioned the propriety of moving for a
 Committee to sit, previous to their Lordships further proceedings, to
 correct the errors and cure the deficiencies of the Report. His
 Lordship stated the facts to which one or two of the Precedents
 referred, in order to point out, that his charge of inaccuracy in the
 Report was not ill founded. Before he sat down, he urged the ex-
 treme seriousness of the subject, and its infinite importance, declar-
 ing,

ing, that if the House meant to press the consideration of the Resolutions that day, he would rise again, and state his sentiments upon them.

Lord
Hawkes-
bury.

Lord *Hawkesbury* complained of the irregularity and prematureness of commencing any debate at that moment, when it had been previously understood by their Lordships that no discussion was to take place on the Resolutions of the other House of Parliament that day. His Lordship admitted the importance of the subject, and thence argued, that it was the more necessary that their Lordships should be left to come with their minds clear for its deliberation, on the day to which the debate was intended to be deferred. Much, he said, could be urged in answer to what had fallen from the noble and learned Lord on the subject of the alleged inaccuracy of the Report; indeed, if any errors had escaped the Committee when they were preparing it, much as the circumstance was to be lamented, it must be in a great measure attributed to the thinness of the attendance of the Committee; to that it was owing that the House, which certainly meant, when it appointed the Committee to advantage itself, as far as the scope of such a Committee would allow, of the most enlightened minds, and most distinguished abilities in that House, had been disappointed of their expectations.

A motion was next moved for the House to be summoned.

The motion of adjournment was then put, and the House adjourned to Friday next.

Friday, December 26.

As soon as the order of the day had been read for the House to resolve itself into a Committee of the whole House to take into consideration the present State of the Nation, and Lord Onslow had taken his seat at the table,

Lord
Hopetoun.

Lord *Hopetoun* rose and desired, before their Lordships proceeded to any decision upon the three Resolutions, to be indulged with a few minutes of their Lordships time. The Earl then began with reflecting on the melancholy occasion of the sort of discussion

discussion it was that day their duty to enter upon ; a task which no one of their Lordships, he was persuaded, would perform without feeling the most sincere sorrow and the most unfeigned concern ; but as it was their indispensable duty, however reluctantly they might proceed, a due regard to the interests of their country would oblige them to act as their wisdom should direct in so trying an emergency. His Lordship took a view of the several topics that had come under the notice of the two Houses of Parliament, from the day of their having ^{first} assembled, and said, whether the right of the Prince of Wales to the Regency that had been contended for by some, and resisted and denied to have any existence by others, were founded or not, or whether the right of appointing a Regent lay with the two Houses of Parliament, it was the unanimous opinion of all, both of the two Houses and the Public at large, that the Prince of Wales was the person who ought to be named Regent, with such powers as the two Houses should think the exigency of the case might require. The Earl lamented that the right of the two Houses had been forced to a decision, but having been obliged to be discussed and determined, he must pronounce in favour of the Resolutions as voted by the House of Commons.

The Earl of ABINGDON rose next, and said :

Earl of
Abingdon

My Lords,

Having obtained the object I had in view, by the agitation of the question that is now before us, and finding it to be not only in the hands of those where it ought to be, but where every possible light will be reflected upon it ; I rise, under these circumstances, my Lords, to trouble your Lordships with a very few words only.

Upon the present doleful occasion, I have heard of doctrines, that whilst I recount them in my mind, I stand almost petrified with astonishment. *Animus meminisse horret*. It has been said, that deliberation in the two Houses of Parliament, at this awful crisis, is not of necessity : that the moment it was established by the report of the Physicians, that his Majesty's health would not *at present* permit him to discharge the duties of his *trust*, the Prince of Wales *de jure*, succeeded to that *trust* ; and that although deliberation for form sake might be tolerated, deliberation was matter not of essence, but of form only, and must end in nothing else. And these, good gracious God, my Lords ! are the doctrines of that very man, who, but a while

while ago was plucking the Crown off the head of the Monarch, and sub-dividing it between himself and a self-formed heptarchial junto with himself in this and the other House of Parliament. Of that very man, who calls himself a Whig; of him, who, whilst he is in the very act of erecting a monumental pillar in honour and to the memory of the *glorious* Revolution, is by his doctrines tearing up the very centre of the earth, the sole and only ground upon which that Revolution stands. Such are these doctrines, my Lords, and being such, I will not reason upon the subject; I will assert dogmatically; I will say, that the Prince of Wales, by the Laws and Constitution of the land, has no more right, *as Prince of Wales*, to exercise the functions of the Crown, than any other subject of the realm; and I challenge the stoutest lawyer of you all to controvert this position. His right, my Lords, is hereditary, and hereditary only, and that right is *posthumous*; and let us even see what this *posthumous* right is. The Crown of England is hereditary, but it is hereditary under limitations, restrictions, and provisions. The inheritance, says Sir William Blackstone, is *conditional*; and it is so, my Lords, by the express law of the land: for by the statute of the 1st of W. and M. Stat. 2, chap. 2, it is enacted, "That every person who should be reconciled to, or hold communion with the See of Rome, should profess the Popish Religion, or should marry a Papist, should be excluded, and for ever incapable to inherit, possess, or enjoy the Crown; and that in such case the people should be dissolved from their allegiance, and the Crown should descend to such persons, being Protestants, as would have inherited the same, in case the person so reconciled, holding communion, professing, or marrying, were naturally dead."

Now suppose, my Lords, a case to occur within the provision of this Statute, and then let me ask your Lordships, who is to be the judge of the person so incapacitated and excluded by this Statute? Is it the Parliament, (as it has been craftily and subtilly said, in order to avoid the energy of this Statute) because the King is one of the constituent parts of a Parliament? Will a King exclude himself? No, no, my Lords, that exclusion appertains to us, and to the other House of Parliament exclusively. It is to us it belongs, it is our duty. It is the business of the Lords and Commons of Great Britain, and of us alone, as the Trustees and Representatives of the

Nation.

Nation. It is true, my Lords, that the power to alter or new-model the succession, is by law given to the King and Parliament, for these are the words of the law; and it is likewise true, that by the Act of the 6th of Queen Anne, chap. 7. any person who shall maintain the contrary of this, shall be guilty of the penalties of a premunire. But what is the supposition of law in these cases? It is, my Lords, that *that King*, so standing at the head of his Parliament, has not fallen under the disabilities of the afore-mentioned Act of W. and M. that he sits on his Throne under the laws and constitution of the country, that he is a King *de jure* as well as *de facto*: but if he has fallen under the disabilities of that Statute, then I say, my Lords, that the right *to new model or alter the succession*, vests in the Parliament of England, *without the King*, in the Lords and Commons of Great Britain solely and exclusively. This is Revolution doctrine, my Lords, this is my doctrine, though I do not profess myself a Whig, though I am not a member of the Whig Club, nor have I subscribed to the intended politico-patriotic obelisk that is to be at Runney Mead. Neither, my Lords, am I a Tory, but I am what I glory in, and will end my life in, I am a well-wisher to and a supporter of the British Constitution.

And if this be so, my Lords, where there is an hereditary Right, where that Right has taken place, and when the Crown is *already* on the head of the King, what shall we say where there is no Right at all? My Lords, I do again assert, that the Prince of Wales has no more Right to the Regency of this country, otherwise than as the two Houses of Parliament shall be pleased out of their grace and favour to bestow it upon him, than I have: he may have pretensions superior to others, he may have a claim, but he has *no right*. His Right to *govern* is *hereditary* only, and the demise of the Crown, thank God of Heaven, has not yet taken place. May the King live for ever, my Lords, and let the established Church of England, let the hierarch of this country say, Amen!

But, my Lords, when I have said this, I do not mean to say, that the Prince of Wales should not be invested with this authority. What I mean to say, is, that the Right is yours, in conjunction with the other House of Parliament, and you will do with it as you shall think best. But in that doing, my Lords, let me conjure you to be wary, to be cautious, to be circumspect; the concern is weighty:

the case is magnitudinous, and of importance infinite. Feel for yourselves, my Lords, feel for the Nation: but above all, feel, with the pity of men, for the unhappy state of the Monarch himself. Remember, my Lords, he may be restored to his health, and let us never give up the idea, that "Old Lear shall be King again." Remember too, my Lords, that by a vote of ours, we are about to *dethrone* a King: but will his Restoration to the Throne depend upon our vote? Here, my Lords, pause and think for a moment! I trust it may! But what has been, may be again. I have read a little of history, and I have there found, it is easier to give than it is to revoke power when given; and especially too, when placed, as it may be, in the hands of those who are for or against the Rights of the Crown, as it best suits with the views of their own ambition. Again, in cases of common lunacy, I speak with deference to the noble Lord on the Woolfack, the next heir is not entrusted, from the wisdom of the law, with the guardianship of the lunatic. In the case before us, who are to be the responsible Conservators of his Majestys health, and what the conduit-pipes through which this intelligence is to be conveyed to us? My Lords, the greatness of the subject calls for united wisdom, and exceeds individual ability to discuss. But inasmuch I have discharged my duty.

A single word more, my Lords. Let the Prince of Wales reflect; that he, as George the Fourth, may of himself have a son, who will be Prince of Wales, so making the case of his father his own; and then let him judge who are, upon the present occasion, his best and truest friends. The Ministers who act as they do, or the Opposition who advise and lay down the doctrines they have done. It is said his Royal Highness is a man of sense and discernment. To the wise therefore, my Lords, *a word is enough*.

Lord Rawdon. Lord *Rawdon* said, if his declaration on a former day when the House had conversed on the subject, that he would be the person to stand forward, and singly take the sense of their Lordships on the Question of Right, if it should be attempted to be discussed in that House, had required any apology from him, the necessity of that apology was now completely done away by the speech that their Lordships had just heard. It was now evident, that the loose and idle opinions of the multitude, that the old womens tales in the street, and that the most vague and extravagant conjectures of the ignorant

ignorant and uninformed, had made such an impression that they had even found their way into that House, and helped to furnish subjects for Parliamentary declamation. His Lordship said, he would make no farther observation on the speech they had heard, but would proceed to declare his objection to the second proposition, and also to the third, which was so connected with it, that it would be impossible not to consider them both at one and the same time. Both those propositions appeared to him to be equally unnecessary and unwarrantable. From the former of the two, it would be imagined, that some claim denying the admitted right of all free men, in all times to chuse their own form of Government, and in contradistinction to the right of the two Houses, had been set up in a regular way, so as to render a declaration of the right of the two Houses necessary. That no such claim of right had been brought forward in any regular way in either House of Parliament, was a fact so well known that no noble Lord he presumed would venture to deny it. Nay, their Lordships had heard, through the medium of the highest possible authority, a declaration on the part of the Prince of Wales, that he never meant to assert any such right, and their Lordships had been urgently desired from a regard to the feelings of the Royal Family not to agitate such supposed claim. In the moment that every one of their Lordships, he doubted not, would cordially join in expressing their heart-felt sorrow for the lamentable situation of their Sovereign, he asked, were any of them willing to shew that they were so destitute of delicacy, and of manifesting a due attention to the feelings of his Majesty's family, as to aggravate their distress, by unnecessarily entering on a discussion which had been on the part of the family deprecated with so much earnestness? Before they could vote the third proposition, his Lordship thought the House ought to have before them a clear and precise description of the proceeding that the resolution was meant to be followed up with; as the resolution stood, the wording of it was so equivocal and ambiguous, that it was impossible for their Lordships to be aware of the sort of proceeding that was meant to be grounded upon it. His Lordship said, the alarm had already gone forth, men's minds began to be irritated and inflamed, and the passing of the three Propositions would lay the grounds of so much future mischief and dissention, that it would convulse the nation

from one end of it to the other, and endanger the existence of the Constitution itself. To avert therefore so fatal an evil, and with a view to render it unnecessary for the House to vote either the second or third resolutions, he should move such an amendment to the first resolution as would meet the unanimous sentiment of the public, and, he believed, of both Houses of Parliament. His Lordship moved the following words to be added to the first resolution :

“ That an humble Address be presented to his Royal Highness the Prince of Wales, praying his Royal Highness to take upon himself, as sole Regent, the Administration of executive Government in the King’s name, during the continuation of his Majesty’s afore said indisposition and no longer.”

Lord
President.

The Lord *President* resisted the amendment, as it appeared fraught with an intention to lay aside and evade the discussion of as important a question as ever had been agitated in that, or the other House of Parliament, viz. the Right of the Prince of Wales, as Heir-Apparent, to exercise the Sovereign Authority during the incapacity of his Majesty. That such a Right existed was what he had never heard, before he heard that the doctrine had been broached in the other House of Parliament ; as soon as he learnt it had been asserted, he had stated it in debate in his place ; and however irregular his introduction of it might have been, their Lordships had heard a noble and learned Lord, whose opinions were deservedly of great weight and authority in that House, argue and contend for its existence, with a considerable degree of gravity and earnestness. If such a right did attach to his Royal Highness the Prince of Wales, it ought to be acknowledged and recognized, because in that case their Lordships, and the other House of Parliament, as he had before said, were *usurpers* of the rights of another person, and were deliberating in a case which did not belong to them to discuss, but which, as the doctrine had been laid down, it was their duty only to adjudicate and declare. He said, he was extremely sorry that the question of Right had been agitated, but having been once broached, it must be decided, that mens minds might be set at rest upon it. As to any mischiefs that could arise from it, he declared, he saw none ; but if it were true, that mischiefs would be produced by its agitation, those mischiefs were already produced, and the alarm that had gone forth, if any such had gone forth as the noble

noble Lord had asserted, ought to be quieted. Having said this, his Lordship took notice of the observations suggested last Tuesday by a noble and learned Lord, on the alledged incorrectness of the Report from the Committee of Precedents. He protested he knew not that there was any real ground for such a charge against the Report, but he would venture to say, that if in the preparation of it any omission had been made, or any error had escaped, it was a matter of pure accident, and perfectly unintentional; he would add too, that he did not think, if the fact were so, that the incorrectness, whatever it might be, was at all material.

His Lordship cautioned the House against depreciating the precedents then before them, because the same arguments that would support an attack upon them, would go to the length of calling the validity of *Magna Charta* in question. He proceeded to point out in what manner the precedents bore any sort of analogy to the present situation of affairs. He said he would not trouble the House with entering into a minute discussion of each, but would merely content himself with observing upon those which bore the closest analogy. The first of these was a precedent of Edward the Third, who had been declared Regent in the life-time of his father, and had a Council put upon him. The next was upon the death of Henry the Fifth, which he conceived to be a good, a substantial, and a legal precedent, the proceedings of Parliament at that period being as grave and formal as at any period of our history. His Lordship went through the detail of the precedent in all its points, to the exhibition of the claim of the Duke of Gloucester, as Regent of right, in absence of his elder brother the Duke of Bedford; in order to shew clearly what had been the opinion of Parliament upon that claim, he desired that the Clerk might read the record, stating the Duke's claim, and the answer of the Parliament, which was accordingly done, and thence it appeared that the Duke refused to attend Parliament till he knew what his authority in Parliament was, and made his claim as nearest of kin to the infant Monarch in the absence of his brother, the Duke of Bedford; when the Parliament in reply, in the most unequivocal terms, declared that the Duke had no right, either of his own, from relationship to the King, or by virtue of his brother's will, but that they had appointed him *Protector* and *Defensor* of the kingdom, meaning by the name expressly

to guard against any idea of their acknowledging any right in him to exercise the Royal Authority. His Lordship reasoned on this record at some length, and desired any one of their Lordships to point out to him any difference in respect to such a right as had been asserted to be in the Duke of Gloucester in the infancy of Henry, between an Heir-Apparent and an Heir Presumptive, or between an interruption of the exercise of the Royal Authority through infancy, or incapacity from indisposition. The same precedent that had analogy to the one bore analogy to the other. His Lordship contended for the quietude of the times whence this precedent was drawn, it being in a moment of internal peace, when a King, deservedly the idol of his people, and when Bedford and Gloucester, the two Princes nearly allied to Henry the Sixth, were men of high fame, one of them the most able, the other the most popular character of his day. The next precedent his Lordship referred to was that of the 32d and 33d year of Henry the Sixth, when in consequence of the King's sickness the Duke of York was appointed Regent, exactly with the same limitations that had been put into the patent appointing the Duke of Gloucester Protector. His Lordship faithfully recited all the circumstances of the Duke of York's taking up arms, and marching an army of ten thousand men to London, upon the pretence of obtaining a redress of grievances, his being deceived by Queen Margaret and Somerset, and his retirement to his castle in Wales, where he lived almost two years before he returned again to London, and was appointed Regent. His Lordship expatiated on the wisdom of our ancestors, as manifested in their constant endeavours to restrain ambitious men from aiming at the Government, by shackling them with councils of Regency, and fettering them with such other restrictions as should prevent them from grasping at the whole of the Royal Authority. He begged, however, that his observations of this tendency might be considered as applicable solely to the wisdom of our ancestors, and that he concurred with them in thinking that to be the true line of policy. He meant not to glance at the present Heir-Apparent, who, he was sure, would be the last man desirous of assuming powers which the two Houses of Parliament would not think it consistent with the safety of the Crown, or of the nation, to forego or suffer to be taken out of their hands, as Representatives of all the estates

states of the people. Such was the infirmity of human nature, such the natural proneness to ambition, and such the inordinate thirst after dominion and power, that, he said, it behoved the two Houses always to regard an opportunity to advance the objects of such passions with jealousy, and to provide restrictions to check their progress. With regard to the Prince of Wales, so amiable had been his conduct, that it sat suspicion at rest, and rendered the task of limitation less difficult. There was no intention, in reality, to withhold from his Royal Highness above one or two instances of exercising Royal Authority, and those such only as a due regard for the preservation of the Crown on his Majesty's head, and the securing to him the power of resuming the exercise of all his Royal Prerogatives, when he should be restored to health, indispensably demanded; his Royal Highness would have the power of dissolving Parliament, of appointing his own political servants, of entering into foreign treaties, and, in fact, all the power necessary for the carrying on a strong and vigorous Government. In the course of the proceedings that had taken place, his Lordship said, he trusted it would be admitted that the present Administration had acted impartially, and with no view to promote their own private interests. For his part, he was arrived at an age when a retired life would better suit his years, and where he might have an opportunity of serving his country to as much advantage some other way as he could do in office. Whenever the new Administration came in, however, he would be bold to say, that they would not find the present Ministers form themselves into a malignant or unprincipled Opposition. Whoever were to form the new Administration, his sincere and earnest prayer was, that they might act as conscientiously as their predecessors, and be able to serve their country with better effect and better success.

Lord *Stormont* rose as soon as the Lord President sat down, and said, in what he had to trouble their Lordships with that day, he would endeavour as much as possible to avoid repeating any of those observations which he had made in the course of the debates that had already occurred on the same subject. It was not his intention to follow the noble and learned Lord, who had just sat down, through all the historical detail that the noble and learned Lord had favoured the House with, as he did not pretend to more than a

Lord
Stormont.

general

general knowledge of the history of his country. The Committee appointed to search for precedents, had undoubtedly furnished them with a considerable number ; but among them all, there was not one that came sufficiently near to the present calamitous situation of the country, to be considered as a precedent in point, or that ought to be relied on as authority. Some of the precedents in the Report were so extravagantly wide of the present case, that it was impossible to guess the reason of their having been cited, unless it were to prove how wildly their ancestors had, in the elder periods of our history proceeded, and with how little regard to the Law of the Land, or the Constitution of the country. As no precedent could be found that could with safety be followed, it behoved their Lordships to pursue that line of conduct which should be consistent with good sense, and to adopt that measure that should least affect the landmarks of the Constitution. The noble and learned Lord had passed over all the precedents preceding the reign of Edward the Third, from a conviction, no doubt, that they were selected from times full of anarchy and confusion, and from a laudable attention to that old generous maxim *de Mortuis nil nisi bonum*. The noble and learned Lord had however rested a good deal of his argument on the two precedents taken from the early part of the reign of Henry the Sixth, and from the thirty second and thirty third years of the same reign, because, as the noble and learned Lord had declared, those were times of peace and tranquility. Was the period in which Henry the Sixth, while an infant, ascended the Throne, a period of peace and tranquility? A period when the flower of our nobility were in France, together with almost the whole of the English army, and when the best blood of the country had been spilt in that kingdom, fighting for the Crown, and protecting those provinces that the gallantry of Henry the Fifth had acquired ! Did their Lordships remember what had passed in France, when Charles the Sixth was afflicted with a similar malady, to that under which his Majesty laboured, and when that rich kingdom had been torn and distracted by the two powerful parties, the one headed by the Duke of Burgundy, the other by the Dauphin ; the Burgundians had got possession of the King, and carried him about as a Pageant, making the most shameful use of his name, and the most wanton exercise of his authority, while the Dauphin by his wisdom and valour recovered the

the Crown, and laid the foundation of that greatness France had since arrived at. Did their Lordships recollect, that this country was deeply engaged in those contests, and could the period in which they were carried on, be called a period of peace and tranquility to England? Were those peaceable times also, when Richard Duke of York was chosen Protector of the kingdom, and exerted every nerve that tyranny and corruption could call into action, to further his ambitious designs upon the Crown? The Duke of York had been held up by the noble and learned Lord as a character worthy of imitation; that Duke of York, who though less bloody, was scarcely less immoral, insidious, and unjust, than Richard the Third. As well might that scene which they had all seen so frequently well acted, in which Richard the Third is discovered, leaning on two churchmen, when visited by the mayor and citizens of London, be extolled as a proof that Richard was a pattern of piety, as Richard Duke of York (who after the battle of St. Albans where he had wounded his King, and taken him prisoner, took a solemn oath at Paul's Cross that he was, and ever had been, Liegeman to his Prince,) be held up as an example of loyalty. With as little regard to fact also, could the precedent of Edward the Third be said to be a precedent chosen from peaceable times, because as their Lordships must remember, Edward the Third put his signature to a commission when he was only fourteen years of age, at a time when his father had been forced to become a fugitive through the intrigues of Mortimer and Queen Isabel, and when the country was distracted with all the horrors of a civil war. The precedents therefore to which the noble and learned Lord had pointed as precedents taken from peaceable and undisturbed times, were precedents selected from periods of our history peculiarly unsettled and unquiet. But though the fact were so, it was little to the purpose, because he repeated it, no one of the precedents applied, the Legislature of those times having been compleat, whereas now there were only the two Houses of Parliament assembled. His Lordship here made the same distinction that Mr. Fox had drawn in the other House, declaring, whenever in the future parts of what he had to say, he should have occasion to mention the two Houses of Parliament, he would describe them in those words, and whenever he wished to
speak

ſpeak of the Parliament, properly ſo called, he would call it the Legiſlature.

He deſired the noble and learned Lord to produce a ſingle inſtance in which the Heir-Apparent had been of full age and capacity to govern ; it was needleſs therefore to take up more of the time of their Lordſhips, by dwelling upon precedents which had no analogy to the preſent moment ; the ſpirit of the conſtitution muſt be referred to, and that line of conduct adopted that ſhould upon examination be found to be moſt congenial to it. In that point of view let the Amendment propoſed by the noble Lord be conſidered. The ability with which the noble Lord had opened his Amendment, had excited the general admiration of every one who heard his argument, and juſtly entitled the noble Lord to that compliment, which had been paid to John Duke of Argyle, viz. that he was by nature qualified

“ To ſhake at once the Senate and the Field.”

Let the Committee conſider whether in attaining an object, about which there was but one opinion, they would prefer a circuitous mode, to a mode direct, obvious, plain, ſimple and eaſy. If they adopted the mode ſuggeſted by the Houſe of Commons, and preferred the circuitous line of proceeding, they would aſſume the functions of the third branch of the Legiſlature, and trench upon the Prerogatives of the Crown, which it was as much their duty to reſpect and ſupport, as their own privileges, or thoſe of the other Houſe of Parliament. With regard to the argument that the Prince of Wales ought to be declared Regent under certain limitations and reſtrictions, let their Lordſhips recollect the difficulty that ſort of conſideration would lead to. It would be impoſſible to admit, that the Prerogatives of the Crown could be divided, and ſome of them reſerved, while others were given to the Regent, and at the ſame time to contend, that the Regent would nevertheless be able to carry on a ſtrong and a vigorous Government, without opening a door to an argument, which however cogent he did not mean to preſs upon their Lordſhips ; namely, that if there were Prerogatives annexed to the Crown, that were not in themſelves neceſſary to the energy and vigour of Government, thoſe Prerogatives might be ſpared and ought to be aboliſhed, ſince the Crown no more than the
Regent

Regent ought to enjoy Prerogatives that were admitted not to be essential to the benefit and advantage of the community. Every discussion of this sort would be precluded, were the noble Lord's Amendment adopted, and, what was not a less important object, harmony between the two Houses would be secured, while neither their rights, for which the noble and learned Lord had so strenuously contended, would be sacrificed or called in question, nor would the functions of the Prerogative be assumed or invaded. Every noble Lord who had hitherto spoken on the subject, had justly professed a veneration for the Revolution; why then would they not imitate that example, which they all professed so much to admire? The words of the Amendment were precisely the same with those adopted by the Convention Parliament, when it was resolved to address the Prince of Orange, with the exception only of the reference to the incapacity of his Majesty; and surely no one of their Lordships would contend, that the Address voted to the Prince of Orange, implied that he possessed any other Right to the Throne, than that which he derived from the votes of the two Houses. Let their Lordships turn to the debates in the year 1688, and they would see the miserable jargon introduced by the lawyers of that period. Lawyers, it was notorious, generally speaking, mingled so much of their legal refinements with political argument, that they made sad work of it. At the time of the Revolution every distinction that sophistry could suggest, and ingenuity invent, was devised, and insisted on to mislead the House of Commons, and confound their judgment; but the leading men of those days, who though not great lawyers were great statesmen, swept away the cobweb distinctions of professional reasoners at once, and by dint of sound sense prevailed on the House to speak by their actions, and come directly to the point, and declare the Prince of Orange King, a vote which happily for the nation was carried, though only by a vote or two. His Lordship alluded to the turn and character of the debates of those days, and particularly mentioned the distinction taken by Mr. Finch, the ancestor of a noble Lord then present, [Lord Winchelsea] who in arguing for a Regency had asserted "That the Throne was not *vacant*, but that King James was *out of his understanding*." In that debate, in which the two points in question were, whether the Prince of Wales should be declared Regent or King,

King, none of those members, who supported the argument in preference of a Regency, suggested one idea of limiting or restraining the Regent in any degree whatsoever. The second and third Resolutions as originally proposed, and as sent up by the House of Commons, clearly implied an idea that the two Houses of Parliament had not only a right to decide electively, but to legislate for themselves, independent of the Crown, the third branch of the Legislature. An idea which his Lordship confessed he dreaded, and which he trusted the Committee from a due regard to the Constitution would never countenance.

If the doctrine that the two Houses could in any instance assume the functions and prerogatives of the Crown were admitted, it must be admitted that they could do so in many, and it was not in human imagination to divine to how dangerous an extent so unconstitutional a practice might be carried. He reminded their Lordships of the violence of the House of Commons in 1648, which had led them first to vote, that any Resolution of their own, independent of the concurrence of the two other branches of the Legislature should have the force of Law, and afterwards to declare the House of Lords *usque*, upon their Lordships refusing to concur with them in their Resolution to bring the King to trial. The House of Commons had not been aware that they were at the time laying the foundation of their own ruin. Their proceeding to be sure had been rather blunt, but had they lived in times of modern refinement, how easily might they have solved their difficulty, sanctioned their design with the colour of law, and rendered it effectual by only having recourse to the expedient now brought forward, and under pretence of a fiction of law, practiced that upon the great seal which it did not become him in that House to mention in plain terms, and issued a commission in the name of the King, appointing commissioners to give the Royal Assent to a Bill drawn for the purpose of bestowing legislative authority on the proceeding.

His Lordship painted in striking colours the dangerous effects of setting up such a pageant in lieu of the third Estate, and contended that being clearly the creature of the two Houses, it could not possibly exert any of those independent and important prerogatives that gave the Crown constitutional power to resist the encroachments of either of the two other branches of the Legislature. Among other instances
of

of its operating dangerously to the destruction of the Royal Prerogative, his Lordship said, it was not the least worthy of attention, that the *Negative* of the Crown, that great barrier set up by the Constitution, for the purpose of arming the Crown with a powerful means of defence against any hostile attempts of the two Houses of Parliament, was completely done away. The Royal Negative, it was true, had not been exercised by the Crown for a considerable length of time, but it was not a less important instance of the Royal Prerogative, and when the Committee were deliberating, whether they should agree with the other House to assume the legislative capacity of the Crown in such a manner, as supposed the discretionary power of the Royal Negative not to exist, and by implication admitted, that it could be dispensed with, it was the duty of their Lordships to weigh well the absurdity and danger to which the allowing such a fiction of law to pass, would expose them. He put the case, that the noble and learned Lord, who now so worthily held the great seal, should choose of his own accord to fix the great seal to a patent of peerage; he asked how would that House receive a Peer so created? Would they not refuse to consider him as one of the peerage? [His Lordship was here whispered, that the forms a patent of peerage must undergo, as well as the person created a Peer, rendered his hypothesis impossible.] He said, he thanked the noble Lord for setting him right, but he would put another case, that he was sure was correct; suppose that the noble and learned Lord who held the great seal should affix it to a commission, declaring the Royal Assent to a Bill, respecting which there had been much difference of opinion in both Houses; how were those who had opposed the Bill to contend against it as a law? He mentioned the Statute of Charles the Second, as expressly declaring that the two Houses could not legislate, without the consent of the Crown, and pronouncing, that any person who, by *advised speaking*, should affirm the contrary, should incur the pains and penalties of a premunire. His Lordship said, there occurred to his mind another difficulty, and he did not see how it could be got over; and that was, the subscription of the Royal signature to the commission to which the great seal was to be annexed, for the purpose of opening the Parliament, and passing a Bill. It had formerly been held, that the King could not give the Royal Assent to any

Bill,

Bill, but by being present in person in that House. In the reign of Henry the Eighth, an Act had passed, empowering his Majesty to give the Royal Assent to any Bill or Bills by a commission issued under the great seal, and sanctioned by the Royal signature. In the present case, how would his Majesty's ministers be able to give their commission legal authority without the Royal signature? If they could do it in one instance, they could do it in more, and might proceed to a degree of enormity dreadful to be conceived. He urged the increase of difficulties that must accumulate, if the circuitous mode proposed by the second and third Resolutions was persisted in. The Land and Malt Tax Bills would soon be necessary to be passed, and he asked whether ministers meant to maintain their fiction by using it as an authority for levying money on the subject? He insisted upon it, that however ably the argument might be urged in defence of the mode of proceeding recommended by the third Resolution; and however the real nature of that proceeding might be glossed over and disguised, to all plain men like himself, unacquainted with legal entanglements, and fictions of law, it would appear to be neither more nor less than a direct attempt in both Houses to assume the exercise of the prerogatives of the Crown, and legislate for themselves in defiance of an express statute, to which he had before referred. He called upon noble Lords to point out to him what difficulties voting the address would subject them to. It would neither invalidate the rights of the two Houses, recognize the claim of the Prince of Wales, (though much might be urged in support of it) nor prevent their proceeding to pass a Bill of limitations, if it should be thought wise to lay the Regent under any restrictions. With regard to the latter, the Address moved by the noble Lord by no means precluded such a Bill; but to attempt to pass it at present would be indecent and unfair. Let them fill the third Estate, declare a Regent, and establish the Royal Authority, and then, if it should be thought necessary to restrain its powers, combat them in a manly way, when the Royal Authority was capable of defence, and could act for itself. He took notice, that the second and third Resolutions had been argued on two grounds, that of political necessity, and that of expediency—two grounds that essentially contradicted each other, because the one was compulsory, the other optional, depending merely on the opinion of those who acted

acted upon it. He denied that there could exist such a thing as political necessity, declaring that a moral clear and intelligible necessity was an intelligible phrase, but that political necessity was not so, nor ever used as a fit ground for a parliamentary proceeding. He defined the distinction between necessity and expediency, and contended, that in the one case deliberation might be had, in the other it could not. He warned the Committee again and again, upon the danger of countenancing any departure from the limits prescribed by the Constitution to the two Houses of Parliament, and mentioned the circumstance of the House of Commons having in the reign of Charles the First, wished to have it allowed, that from that time forward the Officers of State should be named and appointed by the two Houses of Parliament, observing that just before the King had erected his standard at Nottingham, a message was sent to him, to obtain his consent, but King Charles had thrown a die for the whole, and would not submit to hold his authority as sovereign on limited conditions. Their Lordships well knew, the dismal scenes that followed, which ended in the dissolution of the monarchy and the constitution. His Lordship added a great many more pertinent observations, and repeated in the strongest and most persuasive terms, his recommendation to the Committee to adopt the short and easy path of voting the Amendment, in preference to the circuitous road chalked out by the second and third Resolutions. He reminded them, that all agreed in the propriety of declaring his Royal Highness the Prince of Wales Regent; he asked therefore, why should they differ about the means of constituting his Royal Highness to that office, when the readiest mode of doing it, with perfect safety to the Constitution, presented itself to their hands. The noble and learned Lord had desired them to recollect that they were not merely called on to settle a temporary difference of opinion, but that they were deciding for posterity; he begged leave to join in the noble and learned Lord's request, and to urge it to their serious consideration with all the additional force that his poor abilities could give it. They were establishing a precedent, that in times less enlightened than the present, might be used as the ground-work of proceedings, the most fatal to the liberties of the People and the existence of the Constitution, that could be imagined.

Duke of
Richmond

The Duke of *Richmond* justified the third Resolution, and the means intended to be pursued under its authority, by the necessity of the case, and contended, that the two Houses would equally proceed to an act of legislation, whether they voted the Resolutions, (which were a kind of guard against an unnecessary exercise of sovereign authority, under a fiction of law, and such an exercise of it, as the extreme exigency of the case made absolutely necessary), or voted the Address, proposed by the amendment. He said, he had the highest respect for his Royal Highness the Prince of Wales, and had not the most distant idea, that were his Royal Highness declared Regent instantly, and by the means recommended in the amendment, that his Royal Highness would do any thing improper; but his duty to his Majesty, and the duty they all owed to the Crown, and to themselves, made it incumbent on them to guard against any possible danger, and to deliver such a precedent to posterity, as should at once mark the extreme caution with which they had proceeded in a case of such infinite difficulty, and secure the safety of the Constitution to future ages. If without any such limitation or restriction the Prince were instantly declared Regent, he conceived the whole personal property of his Majesty would come into the hands of the Prince of Wales, and all his Majesty's servants from the noble Lords with white staves, down to the lowest page, might be removed. Nay, the very physicians that had the care of his Majesty's health might be changed. All his Majesty's wealth likewise might be seized, and perverted from the uses to which his Majesty might have graciously intended to apply it. The Duke said, when his Majesty should happily be on his recovery, the knowledge of the alteration in the state of his household and of his personal property might have the worst possible effect; indeed the reflection it might give rise to, must be so severe, that it would be enough to drive men of sound minds out of their senses. He declared, he meant not to insinuate that his Majesty's person would not be safe in the power of the Prince of Wales. He was sure that it would. The strong marks of filial affection and tenderness that his Royal Highness had manifested during his Majesty's melancholy illness, were the most flattering proofs, that every token of kindness and care would be exerted by the Prince; but he was reasoning on the possibility of the case, and it was the duty of their Lordships to guard.

guard against that abuse of power, to which, from the infirmity of human nature, every man was liable.

Lord *Hawkebury* admitted that the means described in the third Resolution might be deemed a fiction of law, but it was by resorting to such fictions, and by adhering to the forms of the Constitution, in cases of great exigency, that the Constitution itself was to be preserved. His Lordship said, it had not only been the case in the reign of our Henry the Sixth, when the great seal had been put to a commission by an infant not above nine months old, and consequently incapable of either acting for itself, or knowing what it did; but in France, so lately as the death of Louis the Fourteenth, when the young King, Louis the Fifteenth, was brought up by his *Gouvernante* in form, and seated on his Throne at a *Lit de Justice*, while the Duke of Orleans, as the Regent, knelt before him, stated to him the number of the French forces, the proceedings of the Parliaments, &c. and repeated commands which were, for form sake, supposed to have been communicated by the infant King, who was not at the time quite four years of age.

Lord *Portchester* charged the three Resolutions with gross inconsistency. The first declared his Majesty incapable of exercising the Royal Authority, and the third supposed him capable of giving the Royal Assent to a bill. His Lordship called upon the noble Lord who spoke last, to shew him a precedent of a Prince of Wales, of full age and capacity to govern, who had not been appointed Regent during the incapacity of his father; as the noble Lord had himself furnished most of the precedents contained in the Report on the table. Lord *Portchester* said, he must be apprized of it if any such precedent, as he referred to, existed; but the noble Lord well knew there was no such precedent to be found. He reprobated in severe terms the expedient authorized by the third Resolution, and said, so far from being what noble Lords had described it, calculated by means of a *forgery* of the Great Seal to preserve the forms of the Constitution, and keep the Royal Authority whole and entire, it tended immediately to dissolve the very fabrick of the Constitution, to put an end to the Three Estates, and divide the Royal Authority into four parts; to give one to the House of Commons, another to the House of Lords, and a third to a Commissioner or Commissioners, to enable them altogether to deliver the remaining

part to a Regent. He denied the doctrine of a learned and noble Lord, who had maintained that the infancy and incapacity of a King were similar cases, and maintained that there was an essential difference between an *Heir Apparent* and an *Heir Presumptive*; since in the case of the former the *lineal* succession went on, in the other *collateral* descent only. The first was more favoured by the law than the latter. His Lordship deprecated a difference of opinion with the other House of Parliament, and said, in the very centenary of the Revolution, when the people were preparing to erect a pillar in honour of that memorable event, their Lordships were called to pull up by the roots the Constitution which had been so gloriously established in 1688. He declared he felt abashed, as a Peer of Parliament, and a member of that House, on finding that the House of Commons should have taken upon themselves to declare what was his right and his duty.

Earl
Carlisle.

The Earl of *Carlisle* lamented the melancholy cause of their discussion; he declared he did not consider a resolution of the House of Commons as binding upon their Lordships, nor could he see how it followed, that because the other House of Parliament had thought proper to vote the second and third Resolutions, that their Lordships ought to vote the same. The Earl denied the analogy between the precedents relied on and the present case, and said, the proceedings referred to by the noble and learned Lord, had all of them occurred during the sitting of legal Parliaments, when the Legislature had been complete. He warned their Lordships to beware, lest by deviating from the strait path of the Constitution, Ireland should be inclined to do the same. His Lordship declared himself a strong advocate for the amendment.

Marquis
of Lans-
downe.

The Marquis of *Lansdowne* began by declaring the Question, comprehended and involved in the discussion and decision of that day, to be of the greatest magnitude and importance, and meriting the most serious and solemn discussion of any that had ever engaged the attention of a House of Parliament. He owned, he said, it gave him very particular concern that Ministers had sent up the third Resolution from the House of Commons at the same time that they had sent up the second, and that they had coupled it with it; not that he did not fully approve of the third Resolution, but merely because the circumstance of its having accompanied the second Reso-

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lution had afforded the ingenuity of those who wished to prevent the second Resolution from receiving the sanction of that House, an opportunity of drawing arguments out of the third Resolution, and applying them in objection to the second. Ministers, he saw, had made the precedent of the early part of the reign of Henry the Sixth the precedent for their proceeding. He thought they were right in so doing, and he wished to God they had gone farther, and followed up the precedent in all its forms. Had such a measure been adopted, a measure which he should have considered as perfectly proper and perfectly justifiable, a great deal of the argument, that their Lordships had that day heard, would have been cut up by the roots, and it would have been impossible for it to have been advanced. In contradiction to the doctrines that had been asserted about the two Houses of Parliament, and that they were then in a Convention, single and unconnected with any set of men as he stood, he had no hesitation in declaring that the present was to all intents and purposes a Parliament; a Parliament regularly assembled. The King had assembled them, the King had the undoubted authority so to do, because the King was living. He pretended not to any great knowledge of law, but he knew enough of it to be perfectly assured that, according to the Law and the Constitution, the Throne was never vacant, and that the King in no age nor no condition, neither as a minor, or otherwise, was ever considered as unequal and incompetent to the exercise of the Royal functions. Minors in private life he observed had a variety of rights, they could present to livings, and could perform many different acts of considerable importance. He wished therefore that his Majesty's Ministers had come down at once with such a commission as the third Proposition pointed out, and that instead of having to discuss the propriety of putting the Great Seal to such a Commission, they would have had it in the first instance to have acted upon such a Commission. It would have coincided much with his opinion in opposition to a practice that had of late years obtained, and especially during the American war, viz. the practice of coming to Parliament in the first instance, and receiving its sanction beforehand for the measures of executive Government, thus confounding the legislative with the executive, taking away the responsibility from Ministers for their measures, and weakening the powers of enquiry

and censure, which the Constitution had wisely lodged in Parliament. This practice during the American war, their Lordships would do him the justice to recollect, he had constantly reprobated. It was a practice that ought to be resisted, because if it were suffered to prevail, it would confound the principles of the Constitution, and take away one of its wisest and most beneficial provisions. Noble Lords had observed, that some risk would have been run if the officer holding the Great Seal had, of his own authority, affixed it to a commission to hold the Parliament in the King's name. Some risk undoubtedly would have been run, but great officers were created for the execution of great and important acts, and if they would run no risk and no hazard, they had no business in great situations. He could not, however, see that any great risk would have been run by any man holding the Great Seal, who, in the present critical situation of affairs, should have assembled the Parliament, and brought together the collective wisdom of the nation, especially when it was considered what sort of a Parliament the present was—not a Parliament packed for the occasion, but a free Parliament—a Parliament that had been approved by the country, and had been long in existence previous to the unfortunate calamity which every man lamented, but no man felt more sincerely, more seriously, or more at heart than he did. The single circumstance of having called the Parliament together in the way that he had mentioned, would have cut up much unnecessary debate; and sure he was, that the two Houses were fully equal to the acquitting of any Minister who had, in such an emergency, put the Great Seal to a Commission, constituting them a Parliament.

He spoke of the precedents that had been adduced, and were contained in the report on the table, in terms of respect, declaring that in his opinion it was impossible to have collected a line of precedents more applicable to the circumstances in which they at present stood. In the course of the discussion it had, he observed, been asserted, that no precedent bore precisely on the case in point, and that could be adduced, in which a Prince of Wales, of full age, was not appointed Regent. Let those who confidently rested on that assertion, be so good as to tell him, when, in a situation like the present, there had ever existed a Prince of Wales of full age? They all knew that no such case had ever occurred. Much had been said

of Right, and it had, on the other hand, been strenuously contended that the Prince of Wales had an inherent right to the Regency; on the other, that there was no right but in the two Houses of Parliament. That the latter assertion was true, and the former untrue, he had the fullest authority for maintaining; an authority which, when he mentioned it, would convince every man who heard him, and put the matter beyond all question. The authority to whom he referred, was one of the best constitutional writers that we had, it was Mr. Justice Foster, who in his book on the Principles of the Constitution, denies the right even of hereditary succession, and says it is no *Right* whatsoever, but merely a *political expedient*, calculated and contrived for the good of the governed, and with a view to preserve their peace and happiness, by preferring the chance of a variety of different men, to a variety of disputed claims, that might on every demise of a Sovereign convulse the empire, and throw all things into confusion. The Crown, Mr. Justice Foster said, was not merely a descendible property, like a laystall, or a pig's-stye, but was put in trust for millions, and for the happiness of ages yet unborn, which Parliament has it always in its power to mould, to shape, to alter, and to fashion just as it shall think proper. And in speaking of Parliament his Lordship said, Mr. Justice Foster repeatedly spoke of the two Houses of Parliament only. Let their Lordships therefore consider the danger of the doctrine, that there existed in the Prince of Wales a Right to exercise the Royal Authority during his Majesty's incapacity, and that the two Houses had no right to interfere, or to appoint whom they considered as the most proper person to be the Regent. A variety of cases might be put, in which it might appear that the Heir-Apparent might be an improper person to be entrusted with the Regency. Suppose, for instance, the present Prince of Wales, instead of residing at Windsor, and setting an example of affection and tender regard for the Sovereign; instead of doing the honours of the country to foreigners, and raising the national character for polished manners, as report said he had done, throughout Europe, had been caballing away his time in the Capital, intriguing with the army and navy, cultivating his interest with foreign powers, endeavouring to rouse the countries dependant on Great Britain, trying to render them subservient to his interests, and raising money to carry on his ambitious projects,

and endeavouring by undue means like these, to enforce his claim, and maintain his Right. Would not every man in the kingdom wish that if such had been the conduct of the Prince of Wales, that there was a power in the two Houses of Parliament to step in, prevent such a character from being Regent, and appoint another. This proved incontestibly the propriety, he might say the necessity, of deciding the Right existing in the two Houses of Parliament, and those who alledged the danger of touching upon the Right, had themselves made it to be absolutely necessary, because they all uniformly asserted, that there did exist a Right in the Prince of Wales, and yet every one of them had been afraid to argue it. At the same time he did not mean to say, that the Prince of Wales ought not to be the person named as the Regent; far from it, it was so much the general sense of the whole nation that the Prince should, that if any Member of either House was to maintain that he ought not, they well knew, the man who should be known to have been rash enough to have made such a declaration, when he went into the streets, would be torn into twenty pieces. With regard to the intended limitations, whatever they should be, *that* made the decision of the Question of Right absolutely necessary; because it would, if avoided then, recur with double force, when the Question of Limitations came to be agitated. Besides, supposing that it should happen, when the Question of Limitations was debated, that it should be the general opinion that the Prince of Wales ought to be sole Regent, without any restriction whatsoever; in that case, it surely would be most desirable to have the Question of Right decided first. Where, he should like to know, was the danger to arise from, that made either the discussion or the decision of that Question mischievous? Could any noble Lord, who professed so much fear, least the discussion should take place in the House, state a single symptom of the danger, or of the disapprobation of the people shewn in any part of the country, on account of the very ample discussion the Question of Right had undergone in the House of Commons? Was the disapprobation of the people occasioned by the decision of the House of Commons to be found in the City of London? Was it to be found among the Merchants of the City, who he saw had advertised a meeting? Was it to be found in any City or great town throughout the Country? A noble Earl had talked of Ireland; had

had he found it in Ireland, or did he really think it would be found there? Had another noble Lord found it in Scotland? Where then could be the danger of discussing it in that House? There could be none. He wished it might be not only discussed, but decided, that the eyes of all mankind might be opened to the important fact that might result from the discussion and decision, viz. that the People *had most essential Rights of their own, but that Kings and Princes had no Rights whatever.* He wished it might be decided for the benefit of foreign countries, that those who suffered oppression under Governments the most despotic, might be taught their rights as men, and learn though their Rights were not like the Rights of Englishmen, secured by precedents and charters, yet that their Rights must be acknowledged as soon as ever they chose to assert them. Since he had sat in Parliament, his Lordship declared, he never had given a vote more sincerely, with more heartfelt conviction, nor more conscientiously, than he should give his vote that night in favour of the three Resolutions, by which he hoped for ever to set at rest the claim of a Right to a Regency in any man, be that man who he might. He declared, he could not suppress his astonishment at hearing noble Lords talk of the discussion and decision of that Question tending to *weaken* the Regent's Government; the very reverse must be its effect; what could strengthen a Government more, than previous to its taking place to have it declared on the full authority of both Houses of Parliament, that the right of nominating a Regent rested in the people, and that the Prince of Wales was chosen Regent, not from any claim of Right on his part to that distinction and that high office, but with the unanimous voice of a nation of freemen! Seen in this its true light, it was equally the interest of the Sovereign, and of the Prince of Wales, that the decision of the Question of Right should be first made in behalf of the People, and the Prince's Right stand solely on the favour and fondness of the People, who chose him to rule over them. No Government could be so strong, no accession to power so glorious, as that originating in such a principle! Far beyond any advantage that could be drawn from a dark claim unadmitted and unacknowledged, the Prince would have the benefit and the happiness of being appointed the head of a free people, by their own unanimous consent, and thence he would be assured

that they would support him in his situation with their lives and fortunes, against every possible attack.

His Lordship said he was glad to see noble Lords opinions had a little come round, and that the idea of the Constitutional importance of the Royal *Negative* delivered there, when Bills were presented for the assent of the Crown, was not so unpopular, as it had been when he had endeavoured to maintain it some time since in that House. He also said, he had enquired of foreigners, what the Electorate of Hanover had done on the present occasion, and he had received for answer, that neither in Hanover, nor throughout all Germany, had any instance of the kind occurred.

Lord
Lough-
borough.

Lord *Loughborough* rose the moment the Marquis of Lansdown sat down, and maintained the doctrine of the Prince of Wales's having a Right superior beyond all comparison to the claim of any other man to the Regency, and that consequently the assertion "that the Prince had no more right to the Regency than any other individual subject" was monstrous and absurd beyond all sufferance. His Lordship began with saying, that after what had passed in that House, and elsewhere, respecting opinions delivered by him on a former day, it could not be supposed that he could let the opportunity pass by, without taking some notice of what he had alluded to. The noble Marquis, who had just sat down, had, he said, delivered many sentiments in which he perfectly concurred; but as was frequently the case in debate, where different men were agreed upon the same premises, and yet drew very opposite conclusions from each other, so he differed in the application of the inferences, the same premises attended from the noble Marquis. He would state at what point it was, that the opinions of the noble Marquis and his own diverged from each other. Having made an exordium to this effect, his Lordship declared, that he grounded his doctrine respecting the Right of hereditary succession to the Throne, and, by analogy, the Right of hereditary succession to the exercise of Executive Power, on Mr. Justice Foster's Treatise on the Principles of the Constitution; and he was ready to admit, that a Right to hereditary succession to the Throne was not an original vested Right, that belonged in the first instance to one of a family, and was descendible to the heirs in like manner as descendible property of an ordinary description, but that it was made hereditary for the
general

general benefit of the community, and to guard against the danger and mischief resulting from the pretensions of a variety of claimants on the one hand, and the known and ascertained fatal consequences of an elective Crown. With regard to the negative of the Crown in case of Bills presented for the Royal Assent, he agreed also there with the noble Marquis, that the right of giving a negative in that case was an essential Prerogative, which might be exercised as an insurmountable barrier between the Crown on the one part and the two Houses of Parliament on the other, but then he must contend, that there could exist but one possible case, in which it could be maintained that a Prince of the House of Brunswick could be induced to exercise it, and that was, where the two Houses of Parliament should have meditated and carried into all the effect that they could of themselves give it, an attack on the Rights of the Crown so repugnant to the sense and feelings of the People at large, that the King's pronouncing his negative on such a Bill, when tendered for the Royal Assent, should be held to be a popular exertion of his Prerogative. His Lordship contended that the Resolution of Right was purposely drawn to cover a latent and a concealed purpose, different from that which the words of it professed to import; it was, he said, neither more nor less than a declaration on the part of the two Houses, that the Regent was an elective office, and that the two Houses of Parliament were the electors. He argued very elaborately on this position, and denied that the precedents were in point, since the Parliament convened on the death of Henry the Fifth, was a complete Legislature, consisting of King, Lords, and Commons; whereas now, they were only the two Houses, and had not considered themselves as a Parliament, the Speaker of the House of Commons having, though for his part he thought without occasion, doubted whether he had authority to issue a writ, not one of the standing orders having been enforced, and there not having been any Votes printed, and various of the other forms that belonged to a regular Session of Parliament not having been complied with. He doubted whether Parliamentary Privilege existed at that moment. He said, he did not mean Privilege of Peerage, because, as their Lordships well knew, that always existed, but privilege as a Member of the other House. He asked the noble and learned Lord opposite to him, whether
they

they could punish any man for a contempt, declaring that he was not clear, if a man committed for a Contempt was to sue out his Writ of *Habeas Corpus*, and be brought before him as a Judge, to be admitted to bail, whether he should or should not admit him, or remand him to custody? He believed, much as he respected their Lordships, and unwilling as he should be to incur the displeasure of the House, he should rather be swayed by fear of the man's bringing his action for damages, than by the danger of offending their Lordships and incurring the censure of the House, whatever it might be. He owned, that if the Parliament had been opened by a Commission under the Great Seal, as stated by the noble Marquis, one difficulty would have been solved, but not the difficulty on the present Question, which must have recurred, whenever it came under discussion. He strenuously recommended agreeing with the amendment moved by the noble Lord, as the readiest way of lessening their embarrassment, observing that the Legislature, when compleat, would certainly possess a sufficient share of power to carry into effect any Parliamentary Proceeding which was necessary for its own existence; and that any Bill of Limitations could be brought in and passed after the Regent was declared. His Lordship commented on the very slight grounds of difference of opinion that there was among them; some had asserted that the Prince of Wales had an inherent right to the Regency, others that he possessed an irresistible claim, and others again that he possessed neither, but was nevertheless the only fit person to be declared Regent. Being therefore agreed in the main point, he contended that they ought to proceed to carry that into effect, and not to waste more time about the mode of doing that, which it was on all hands agreed ought to be done forthwith. His Lordship argued on the little analogy that the precedent of Henry the Sixth, in the 32d and 33d year of his reign, bore to the present time, instancing the message that had been sent to the sick King, at Windsor, and his having been brought into that House a prisoner and wounded, after the battle of St. Albans, where he had been made captive by the Duke of York, and a variety of other circumstances, founded on history, and different sources of information. His Lordship concluded with repeating his concurrence with the motion of Amendment.

The Lord *Chancellor* left the Woolfack and objected to the Amendment, and combated the various arguments that had been advanced in support of it, and against the second and third Resolutions. His Lordship began with taking notice of that part of Lord Loughborough's speech, in which the noble and learned Lord had questioned the existence of Parliamentary Privilege under the present circumstances of the two Houses assembling, and had stated his doubt in what manner he should be inclined to act, were a man who had been committed for a breach of privilege, and had sued out his writ of *Habeas Corpus*, to be brought before him to be admitted to bail; such questions, the Lord Chancellor said, were always disagreeable, and at that time peculiarly unpleasant. In his mind penalties and punishments of any kind ought not to be annexed to mere error of judgment in Magistrates; but he would venture to say, that if such an instance were to occur to the noble and learned Lord himself, as a Judge, and he should think it his duty to refuse to admit the man to bail, and should be of opinion that it belonged to the public that the man ought to remain in custody, the noble and learned Lord would do his duty, and remand him, without the least consideration either of the 500l. penalty, or the other penal provisions of the Statute. Having said this, his Lordship proceeded to consider the words of the Amendment that had been proposed, and declared he was glad that the words of it had not been of the noble and learned Lord's supplying, because he was sure they were not only irreconcilable to the noble and learned Lord's arguments, but such as conveyed no distinct or precise meaning whatever. Had those, who proposed the Amendment, been so good as to have explained what they meant, or accompanied the recital of the words of the Amendment with any thing like a reason to shew their propriety and application, the House might possibly have known how to have treated them; as they stood at present they were mere *insensible* words, conveying no distinct import. The words purported to be a Resolution of that House, "That an humble Address be presented to his Royal Highness the Prince of Wales, praying his Royal Highness to take upon himself, as Sole Regent, the administration of Executive Government, &c." He begged to know what the term *Regent* meant? Where was he to find it defined? In what law-book, or what statute? He had heard of

Lord
Chancellor

Custodes

Custodes Regni, of Lieutenants for the King, of Guardians and Protectors, and of Lords Justices ; but he knew not where to look for an explanation of the office and functions of a Regent. To what end then would it be to address the Prince of Wales to take upon himself an office, the boundaries of which were neither known nor ascertained ? But the Amendment attempted something which probably was intended as a sort of definition of the term Regent, and of the nature of a Regent's office, by adding that what the Prince was to be prayed to take upon himself, *as Sole Regent*, was the administration of executive Government ; there again, however, the expression was dark and equivocal. What was meant by the *Executive Government* ? Did it mean the whole Royal Authority ? Did it mean the power of legislation ? Did it mean all the Sovereign's functions, without restriction or limitation of any kind whatsoever ? If it did, it ought to have said so in express words ; and if it had, would any noble Lord have contended that such a broad degree of authority as amounted to the actual dethroning of his Majesty, and wresting the sceptre out of his hand, ought to be voted by that House ? He begged their Lordships constantly to recollect, that in the contemplation of law, the political character of a King of Great Britain was always whole and entire, and he desired them at the same time to keep in mind that the King's natural character was inseparable from his political character. It was, as Sir Matthew Hale, who had been mentioned in the course of the debate, had well observed, owing to this having been somewhat lost sight of, that so many mischiefs had ensued to this country. A King, though a minor, as had been well stated by a noble Marquis, was always, and in all circumstances, considered as competent to exercise the Royal Authority, though, from the frailty of human nature, he might not be adequate to perform the duty of executive Government, whence it became necessary to provide for supplying that defect. His Lordship adverted to the precedent in the early part of the reign of Henry the Sixth, and went through the particulars of the Bishop of Durham, then Chancellor, going to the infant King, when a child of nine months old in his cradle, and delivering up the Great Seal, which was immediately put into the hands of the Master of the Rolls, who went into another room and put the Great Seal to a commission, empowering the

the Duke of Gloucester to call a Parliament together, and to a variety of other commissions, it being then the custom for all commissions to cease on the demise of the Sovereign, so that if the step that had been taken by the great men of that day had not been adopted, there would not have been a Magistrate in the kingdom who could have acted. He stated the proceedings of the Parliament assembled by virtue of the writs then issued, which had been sent, the writs for representatives of counties down to the Sheriffs, and those for boroughs to the last returning officers. The very first Bill passed by that Parliament was a Bill of Indemnity to those who had made use of the Great Seal as he had described. He reasoned upon this fact, and maintained the close analogy that the precedent bore to our present situation. He justified the taking the advice of the two Houses of Parliament on the present occasion, as the best mode of proceeding. Of old, when the number of Privy Counsellors was not so great as at present, and when it was not customary for his Majesty to have those persons Members of his Privy Council who he never chose to meet, in a dilemma like the present, the measures to be adopted for the public safety might originate there ; and others there were who thought his Majesty's Cabinet Council the proper place : he differed in respect to both. He had heard indeed of some Antiquaries who were of opinion that, upon such emergencies, a middle Council between the two, composed of the Judges and the King's Ministers, ought to be formed ; but the best Council of all, in his judgment, was the Grand Council of the Nation ; and he begged their Lordships to recollect that Ministers had risked something in suffering the two Houses of Parliament to assemble on the expiration of the proclamation of prorogation, and without giving four days notice to any individual Member of either House. It was now said, when the Rights of the two Houses to supply the defect in the exercise of the Royal Authority were discussed and decided, and they were called upon to concur with the House of Commons in resolving the means that were to be resorted to for that purpose, that the two Houses were about to exercise the powers of Executive Government, and to do an act of legislation. Had Ministers of themselves put the Great Seal to a commission for calling the two Houses together, and opened Parliament in that way, he was persuaded that the charge of their being about to take upon themselves the Executive Government

ment would have been thundered in their ears ten times more loudly. He said he would tell that House what had been his opinion when the unfortunate calamity, that had put them under the present circumstances of difficulty, was first known. It was to resort to the grand Council of the Nation, and to call upon them in the face of the public to act upon their own wisdom and authority. With regard to the argument that political necessity ought not to be the ground of a proceeding of an extraordinary nature, because it was not so well known as moral necessity, the very reverse was the fact; political necessity being much better known than any other necessity, having been repeatedly made the ground of the most important proceedings to be found in their history: but it was said, if, upon the principle of political necessity, they could in any one instance assume the executive authority and legislate, they might carry that unconstitutional practice much further; so far, indeed, that there was no knowing to what extent the doctrine might be carried.

This his Lordship considered as idle and absurd, since the necessity that pressed went to one point only, and no further, viz. to the passing a Bill to enable them to appoint a person Regent, and at the same time to define what was meant by such appointment, and under what specific limitations the Regency was carried on. That the unanimous voice of the public pointed to one person only, and that the Prince of Wales, was, he admitted, a circumstance highly fortunate for the country. No man had a higher respect for the Prince than he had; he wished him as well as those who affected to be more mindful of his interests; but he would not for that reason argue that he possessed any inherent right to the Regency, or that the Prince of Wales, as Heir-Apparent could possess any such right. The Prince had a better interest in the Crown than he could have in the Regency, and it was all their duties to take care to preserve the Crown safe on the head of the Sovereign, in order when in a due course of nature it should descend to the Prince of Wales, he might receive it solid and entire, as it had been worn by his Majesty previous to his present infirmity. The joint interests of the King upon the Throne, and the Heir-Apparent who was to succeed to it, were, what they were bound to watch over and preserve. His Lordship took notice of the precedent of Edward the Second, who had fled towards Ireland, and was taken somewhere near Beau-

maris,

maris, and when in custody as a prisoner, was sent to by Mortimer and the Queen, who besought his Majesty to let them have the Great Seal to use it *ad conservandum pacem regni et ad exhibendum justitiae*, but when they got it, they had influence enough over the imprisoned King, to make him on his own part declare that he delivered it not merely *ad conservandum pacem regni, et ad exhibendum justitiae*, but *pro gratia*, and it was used, his Lordship said, *pro gratia* with a witness, for the Queen and Mortimer put the Great Seal to writs, by the authority of which they sold half the demesne lands of the Crown. His Lordship spoke of the high qualities of the Prince of Wales in terms of great praise; but he said, there might be Heirs-Apparent, whose lives might have afforded the two Houses sufficient reason for setting them aside from the Regency; he maintained, therefore, that it was expedient that the two Houses should not abandon such a power, nor under the circumstances of the case avoid avowing it to be their right. He observed, that those noble Lords, who had talked of the Right of the Prince of Wales to the Regency, had not ventured to argue it, but had said, as all men were agreed that the Prince of Wales, whether he had any Right or not, ought to be the person appointed Regent, the wisest way would be for that House to address him immediately to take upon him, as sole Regent, the administration of the Executive Government. He shewed, that were such advice fit to be followed, that even the two Houses would be under the necessity of legislating for themselves; and yet the very persons who gave such advice, upon arguing the third proposition, said, if they attempted to legislate in a single instance of unavoidable and pressing exigency, the statute of the 13th Charles II. was directly in their teeth. He agreed with the Marquis of Lansdowne as to the constitutional importance of the Crown's having the power of a *negative* when Bills were tendered for the Royal Assent, declaring, that he not only concurred entirely with the noble Marquis on that point, and had thought himself indebted to him for the pains he had taken on a former occasion to point out the utility of such a power being lodged in the Crown, but was satisfied in his own mind, that so far from that being a power which no Prince of the House of Brunswick was likely to exercise, a day would occur sooner or later, in which the salvation of the Constitution and the Country might depend on the Royal exercise

exercise of that truly important prerogative. His Lordship made use of a great many other pertinent and cogent arguments, to prove that the interests of the Prince of Wales would be best served, by agreeing to the Resolutions, and proceeding to ground a Bill upon them, in which the degree of authority, and the nature of the functions to be vested in the person who was to stand between the Crown, and the two Houses of Parliament, should be precisely marked and ascertained, as well as the extent of the limitations which the exigency of the case might require, and that some conditions ought to be annexed to the tender of the office, no thinking man, he was persuaded, would deny.

Lord
Rawdon.

Lord *Rawdon* defended the words of his Motion from the imputations cast on them by the Lord Chancellor, and justified them on the ground of propriety and appositeness.

At half past Twelve the House divided on the Question, That the words of the Resolution as originally moved, stand part of the the Question,

Ayes 99.

Noes 66.

The second Resolution was then read, and the previous Question being moved, it was determined in the *Negative*; the Question was then put upon the second Resolution, and it was *Affirmed*.

The third Resolution was next read, and being objected to, the Question was put, when the Question was *Affirmed*.

The Report of the Resolutions was made to the House by Lord Onslow, and the same was ordered to be taken into farther consideration on Monday, to which day the House adjourned.

Friday, January 2, 1789.

The Lord Chancellor and Lord Sydney having understood, from undoubted authority, before the House went to prayers, that the indisposition of the Speaker would most certainly prevent him from attending his duty next day, it was therefore to adjourn till Monday next.

As soon therefore as the Lord Chancellor had taken the Woolfack, and Lord Sydney had moved the Question of Adjournment,

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The Duke of *Norfolk* came forward, and said, he had been informed that the Speaker's indisposition was such, that it would be as much impossible for him to attend on Monday next as on that day, he therefore begged to be informed by any of his Majesty's servants whether it was meant, in the present situation of public affairs, to bring forward the Bill in that House, which had not the illness of the Speaker prevented, was to have originated in the other House.

Duke of
Norfolk.

Lord *Sydney* said the noble Duke had rather surprized him in what he had asserted respecting the Speaker's illness, who so far from not being able to attend the House on Monday next, he had learnt, since he came down to the House, was much better than he had been the day before; as to what the noble Duke had said respecting the other business, it was not in his power at that present time to give an answer.

Lord
Sydney.

The Lord *Chancellor* said a few words, and the Duke of *Norfolk* was going to reply; when the Lord Chancellor observed he would, with his Grace's leave, put the Question of Adjournment, and afterwards be happy in having a conference with the noble Duke.

Lord
Chancellor.

The Question was then put, and the House adjourned.

Tuesday, Jan. 21.

Soon after prayers were over, and the Lord Chancellor had taken the Woolfack, a message was brought from the House of Commons by Mr. Willberforce, desiring a conference with their Lordships.

He then withdrew, and some short time after the Gentleman Usher of the Black Rod acquainted the House, that the Managers for the Commons were attending without.

The Managers for the Lords were then named, viz. the Lord President of the Council, Lord Privy Seal, Duke of Chandos, Bishop of Salisbury, Bishop of St. David's, Marquis of Carmarthen, Lord Sydney, Lord Hawkebury, &c. they then went into the Painted Chamber, and were met by the Managers for the Commons, viz. the Chancellor of the Exchequer, Master of the Rolls, William

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Wilberforce,

Willberforce, Esq. Sir George Shuckburgh, Hon. Henry Hobart, Hon. D. Ryder, J. P. Hungerford, Esq. Hon. James Murray, Sir W. Dolben, Matthew Brickdale, Esq. Edward Bearcroft, Esq. Henry Addington, Esq.

As soon as they were seated, Mr. Willberforce addressed himself to the Lord President, and said, the Commons had come to several Resolutions, to which they desired the concurrence of their Lordships.

The Managers on each side then withdrew, and as soon as the Lord President and the other Lords returned to their places in the House, the Lord President acquainted their Lordships that he had received from the Managers for the Commons several Resolutions, which he desired might be read by the Clerk, and the same having been read, his Lordship then moved, "That this House do on Thursday next resolve itself into a Committee on the present State of the Nation."

Lord
Rawdon.

Lord *Rawdon* said he could see no possible reason for the delay of a day, and wished to put the question to the noble and learned Lord, why it could not be brought on the next day?

Lord
President.

The Lord *President* declared it was for the sake of decency and propriety that he had proposed to bring on the business on Thursday; he conceived it necessary that one day should be allowed to give noble Lords an opportunity of looking into the Resolutions, of deliberating upon them, and of forming a sober and serious opinion, before they came to give their final vote on the subject. In his opinion it was highly proper that a day should be allowed, and if any noble Lord had proposed even an additional day for the purpose, he knew of no good argument that could be offered against it.

Lord
Rawdon.

Lord *Rawdon* said, the noble and learned Lord's argument would have had its full weight had the matter contained in the Resolutions been novel to their Lordships; it was however not novel, the subject had been amply talked over by their Lordships; the argument of the noble Lord's consequently fell to the ground, and he could see no reason whatever for the delay. He did not however mean to oppose the Motion.

Lord
Chancellor

The Lord *Chancellor* wished the noble Lord (*Rawdon*) would propose an Amendment, for that he would not. He wished his Lordship would explain what he meant by saying the subject had been

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been amply talked over, and not leave the present conversation to be taken advantage of on a future day, on a supposition that the subject having been amply talked over needed no further discussion.

Lord *Rawdon* wished the learned Lord on the Woolfack had rose with that coolness of temper and candour of judgment, when he called for an explanation, which the occasion demanded. His Lordship said he still continued to conceive that no delay was necessary; he conceived so on the ground of their Lordships being fully acquainted with the subject of the Resolutions; the matter was not novel, it had amply been talked over; but in so saying, he did not mean to take any advantage, and to preclude further discussion; he sincerely hoped it might again be amply talked over, and discussed in every point, not so much to enable noble Lords to form their opinions, which in a great measure must be already formed, but for the information of the public, who ought to be fully acquainted with every particular of so important and momentous a business.

Lord
Rawdon.

The Question was then put and agreed to; the Resolutions ordered to the said Committee, and the Lords to be summoned.

Thursday, January 22.

As soon as prayers were over, and the Lord Chancellor was seated on the Woolfack, the Earl of Pomfret took the oaths and his seat.

The Archbishop of *Canterbury* moved, That the Lord Bishop of Lincoln be desired to preach in the Abbey Church, Westminster, on the 30th of January.

The House then adjourned during pleasure, and being resumed, the Order of the Day for the House to resolve itself into a Committee was read, and the Question being put and agreed to,

The Lord *Chancellor* left the Woolfack, and Lord Walsingham went to the Table as Chairman of the Committee. The first Resolution being read by the Clerk,

The Lord *President* (Lord Camden) rose and addressed their Lordships in a speech of considerable length. His Lordship retraced

Lord
President.

the progress of the business and the caution that had been exercised ; the two Houses neither manifesting precipitation on the one hand, nor unnecessary delay on the other. He lamented that so heavy and important a task should have devolved on Ministers, and that he was chosen to open the business to their Lordships. He explained that their having undertaken it was an unavoidable act of duty, and reluctantly as he owned he stood up to address their Lordships, feeling from his advanced period of life every day stronger and stronger reasons to wish to retire from the hurry and bustle of business, he had the more willingly consented to state the Resolutions brought up from the House of Commons, and explain their principles, as he trusted it would be the last act of his official political life. His Lordship then shortly noticed the melancholy circumstance of his Majesty's incapacity, and the undoubted right which had been decided on, as resting with the two Houses of Parliament to supply the deficiency, by appointing whom they thought proper, and with what power they thought proper, to the exercise of the present dormant and suspended power of the executive branch of the Legislature. His Lordship summarily recapitulated all that had passed in the previous debates on the Question of Right, declaring that the question had been started irregularly, and all of a sudden, but that it had as suddenly disappeared. Where the Claim of Right was now to be found he knew not. Certain it was, that it was not to be traced in the Protest on their Lordships Journals. That question being over, it remained for him to proceed to state what had passed since. A further examination of his Majesty's Physicians had taken place, which he did not mean to quarrel with, or find fault with the principle on which it originated, but it had certainly occupied a great deal of time. From that examination his Majesty's illness appeared to be neither fatal nor incurable ; on the contrary, it was agreed by all the Physicians that his probability of cure was as great as ever, and in all likelihood the malady would continue but for a short time. It was impossible to ascertain the probable duration of his Majesty's illness ; it might continue a year, or a year and a half, and it might extend as long as two years. If it should continue longer, it had been declared that in all probability the hopes of recovery would be considerably lessened ; they were therefore to provide the temporary means of supplying the defect in the exercise of the

Royal

Royal Authority, by providing for the deficiency and for the safety of his Majesty on his Throne. The Resolutions that were to be offered to their Lordships, the Earl said, were calculated for two purposes ; they would provide fully for the exercise of the executive power with vigour and effect, as well as for the safety and respect that was justly due to the Sovereign. His Lordship said he would not trouble the Committee on that part of the Resolutions which gave the care of the King's person to her Majesty, not conceiving that any noble Lord would make the least objection to such a measure ; elsewhere, indeed, reports of the impropriety of such a trust had circulated, and reflections had been thrown on that Great Personage, but as he was convinced every noble Lord would feel with him that those reflections were illiberal, indecent, and unnatural, he would say nothing further on the subject. The only Resolutions that he expected to be objected to, were, the one for limiting his Royal Highness in the exercise of the prerogative of creating Peers, and that of the continuance of Household offices under the direction of her Majesty. His Lordship entered into an ample discussion of the propriety of these Resolutions, stating the dangers of entrusting the power of creating Peers to any but the Sovereign, who having a life-interest in his government, was the least likely to injure it by bestowing with too lavish a hand the honours of the Peerage : no danger, he said, could arise from the suspension, for a short time, of that power, as no merit need be damped, since during the Regency, if any one was so distinguished by his merits in any department, as to be a worthy object of such honour, he could be made a Peer by an Act of Parliament, signed by the Regent, as Sir John Cornwall was created in the reign of Henry the Sixth. His Lordship reasoned much at large on the necessity of confining the power of creating Peers to the Crown, so long as there was a prospect of his Majesty's recovery ; observing that a certain *quota* of Peers to be created fell to the share and within the compass of each reign, and that a prudent Prince would neither distribute with a lavish nor with a niggardly hand, but steering between the two extremes, would preserve the happy medium. His Lordship pleasantly said, that restraining the new Government from making Peers, was, in effect, doing them service, and *keeping them out of the way of temptation.*

In the course of his argument on the necessity of keeping the right of creating Peers sacred to the Royal Person, his Lordship appealed to the House, whether in the ordinary cases that occurred in the course of law they did not all know, that a tenant for life had no power to cut down timber, whereas a tenant in tail was in law allowed its free exercise. After arguing shortly on the propriety of the Household compleatly resting in the management of her Majesty, to enable her to discharge the duties of her trust; he said, the only argument that was likely to be urged against it was, that it would create an improper influence, and that the new Government would be unable to proceed in public business, without having the patronage of those offices, the Lords of the Bedchamber, &c. His Lordship talked of petticoat influence, and said, the argument that the patronage to the Household offices was absolutely necessary to the Regent's Government, was truly absurd and ridiculous, for would any noble Lord seriously contend that without such an insignificant number of votes as the Lords of the Bedchambers votes amounted to, an Administration could not proceed in public business? Would they say that the patronage of the Navy, of the Army, of the Church, of the Law, of the Customs and of the Excise, of the East and West Indies, and other considerable patronage that would be annexed to the Regency, would not be sufficient to enable a new Administration to carry on the Government, unless they also had the addition of a dozen more votes? If their Administration was conducted on good and beneficial principles to the country, no such vote would be necessary; but if on the contrary, they pursued prejudicial and bad measures, not their votes, nor ten times the number, would protect them from the voice and influence of the people.

He deprecated any change in the management of any part of the Household, not only as highly disrespectful to his Majesty, but dangerous; since, if those whom his Majesty had appointed as the heads of different departments in his Household should be removed, to make room for others whose faces he had never seen, nor ever wished to see, it might be the means of an attempt to invade the Royal chamber, of indirectly taking possession of his Majesty's person, and they might strip his palace of every thing valuable, and every thing he held dear. Another argument, he observed, had
been

been used against entrusting the patronage of those offices in the Household with her Majesty, fearing it would be exercised in favour of a malignant and factious opposition. This, he said, was not likely; for no one would believe that the great and amiable Personage appointed to have the care of the King's person, would permit the use of her power to be exercised against the good government of her son. It was also unlikely from another reason, the improbability of those with whom he acted, entering into an opposition to the interests of that country they had exerted their abilities to support; they would not degrade themselves by forming an unprincipled or a factious opposition; they had not, while in office, done any act to forfeit their popularity; they had in all their measures had the good fortune to be supported by the voice of the people; they had exerted themselves successfully for their interests; they had been crowned with their plaudits, and in the last act were they exerting themselves for the rights of the people, they could not quit the public service therefore at a more fortunate moment. It was then very improbable, that after having been so long in possession of popularity, they would destroy it by entering into a malignant opposition, and shewing that they acted upon other motives than those of the public good. His Lordship, after observing that his Majesty's Ministers now had no power, but that Opposition had all the power that at present existed, and after a few more observations upon the propriety of the Restrictions, concluded by moving that the Resolution be read, which being read accordingly, the first Resolution was put.

“ That it is the opinion of this Committee, to agree with the Resolution, That for the purpose of providing for the exercise of the King's Royal Authority during the continuance of his Majesty's illness in such a manner, and to such extent, as the present circumstances of the urgent concerns of the Nation appear to require; it is expedient that his Royal Highness the Prince of Wales, being resident within the realm, shall be empowered to exercise and administer the Royal Authority according to the laws and constitution of Great Britain, in the name and on the behalf of his Majesty, under the style and title of REGENT of the kingdom, and to use, execute, and perform in the name, and on the behalf of his Majesty, all authorities, prerogatives,

“ acts

“ acts of Government, and administration of the same, which be-
 “ long to the King of this Realm, to use, execute, and perform
 “ according to the law thereof, subject to such limitations and
 “ exceptions as shall be provided.”

Lord
Faucon-
berg.

Lord *Fauconberg* rose to express his indignation at words that had fallen from the noble and learned Lord, who he understood to have said, that the votes of the Lords of the Bedchamber were insignificant, and unworthy of consideration. Good God! he said, was he to hear in that House, that because he was a Lord of the Bedchamber, his vote was not worthy of consideration? He trusted his vote was as good and as worthy of respect, as any noble Lord's in that House. His Lordship declared, he had been appointed a Lord of the Bedchamber ten years ago; that the late Lord Ashburnham wrote to him, unsolicited on his part, intimating the honour to which he had been appointed,; that when he saw Lord Ashburnham, the noble Lord did not take him into a corner and say, “ You are expected to vote so and so.” If the noble Earl had treated him in that manner, he hoped their Lordships would give him credit, when he declared, he would instantly have spurned at the proffered honour. His Lordship declared, he felt what had been that day said, as a disgrace to the heir of a noble family, some of whom had bled in the service of their country. It was true, he had given his support to the present Administration, but he had given it from principle and honour, and in no other manner would he ever give his vote. He repeated, that the honour done him by appointing him one of his Majesty's Lords of the Bedchamber was not for the purpose of securing his vote; had any such condition been proposed, or had he ever conceived that it had been expected, he should, in consequence of that office, be under the necessity of supporting every Administration, be it what they might, he assured their Lordships, upon his honour, that he would never have accepted the office, but would have rejected it with the disdain so unworthy a proposal would justly merit; he therefore trusted his vote was of as much importance as that of any other noble Lord.

Lord
President.

The Lord *President* was extremely concerned that the noble Lord should have taken offence at any thing that had fallen from him; he meant no disrespect to the noble Lord; he knew his Lordship pos-
 fessed

essed too much honour, for a moment to be influenced in his vote by the office he held; and he had no scruple to avow, that he believed the same of the noble Earl's colleagues: he did not say that his or their Lordships votes were significant, or of no consequence; but he had, in stating the argument that was used elsewhere against her Majesty's having the disposal of those offices, said, that not their votes individually were insignificant or of no consequence, but that the difference in number, of twelve or fourteen votes, was insignificant to carry on a Government.

Lord *Winchelsea* conceived the noble and learned Lord to have spoken, as he had explained himself, and that no reflection or dishonour whatever was meant to be thrown on the Lords of his Majesty's Bedchamber. All the reflections that had been suggested against the Lords of his Majesty's Bedchamber in any place, he ascribed to party motives, and as too contemptible to merit the smallest notice. Lord Winchelsea.

The Bishop of *Llandaff* began with complimenting the noble Lord, who had so justly taken offence at an apparent attack on the Lords of his Majesty's Bed-chamber. He professed he had been shocked at hearing it said, that the Lords of the Bed-chamber, the Scotch Peers, and the Bench of Bishops were so pliable, that they were ready to vote with any Administration. Such reports he believed to be as generally false, as he knew them to be in the latter instance particularly so. He wished not to impute dishonourable motives to any man, but rejoiced in the opportunity he was then exercising of delivering his sentiments plainly and explicitly in the face of their Lordships and of the Public? The Bishop then proceeded to state his arguments at large, and we lament that the late hour at which the House rose, will not for the present allow us to follow him with that degree of care and attention due to so excellent a composition. His Lordship said the subject under their consideration was confessedly of the greatest importance; and when he spoke upon any philosophical or political questions, he wished rather to express diffidence than to dogmatize. He declared, that their proceedings in appointing a Regent, had not appeared to him to have been regular or constitutional. The only proper way, he conceived of filling up the third branch of the Legislature, was not by cloathing his Royal Highness the Prince of Wales with the whole of the regal power Bishop of Llandaff.

power in the first instance, but by giving him the legislative power, and having compleated the Legislature, by proceeding to pass a Bill, to nominate a Regent, under what Restrictions the Legislature thought proper. This, his Lordship conceived to be the method Parliament ought to have followed, in appointing a Regent. He would beg leave to state a proposition, in which he hoped all their Lordships would concur: the proposition was, that as the power to the King was originally delegated from the people, when the King was unable to exercise this power it returned back to the people again; so that they had it in their own hands, and might give it to any person they pleased. Upon such a general principle as this, the determination of the House of Commons, that the Prince of Wales had no better right to the Regency than any other person, might be justified. But he begged leave to say, that the principle contained in this general reasoning was not true, when applied to our Government, because the law had spoken on the subject, and expressly said, when the King dies, his power does not revert back to the people, but goes to the next Heir, who has a right to succeed to it. Although a great deal had been said about the word “Right” in these proceedings, yet his Lordship said he did not recollect that any noble Lord had given a definition of it. He said he should mention that of Grotius, who defined “a Right” to be the *morally possessing a thing in conformity to law*. There was another definition of this word, by an author of no less authority than that of Grotius, which was, that “a Right” was the *morally possessing a thing consistently with law*. His Lordship said, he should be glad to hear of any law that was inconsistent with the Prince of Wales being Regent, or that would be violated by such an appointment. A kingdom might be compared to a private property, though he by no means intended to insinuate, that a King might use his kingdom in the same manner, or to the same purposes, as a private individual could use his private estate; yet they would bear comparison in this respect, if a man was incapacitated from sickness, or otherwise, for the management of his estate, who was so proper as his eldest son to be entrusted with it, who was one day to succeed to the whole fortune? In like manner, in the present calamitous situation of his Majesty, who, with so much propriety, could supply the defect of the Royal Authority as the Prince of Wales, who in the natural course

course of events, would succeed to the throne of these kingdoms ; As they meant to entrust his Royal Highness with all the regal power, except what was mentioned in the Restrictions, he could conceive no reason whatever, why he should not be entrusted with the whole of the Royal Authority. When he considered the public character of those who proposed this plan, he could not doubt but they had proper grounds for their conduct ; he still, however, was under the necessity of saying, that he could not perceive what those grounds were. His Lordship observed, that it had been stated that the whole of the case was to be found in the precedents. He had referred to them, and he did not find the precedent so much relied on, that of Henry VI. bore out the argument that had been grounded on it. Henry VI. was only a few months old, and was born and reigned in dark and barbarous times ; whereas George III. had long reigned over a free and happy people, in an enlightened age. In the reign of Henry VI. the principles of the Constitution were but little understood ; in that of George the Third the principles of the Constitution were clearly marked out and ascertained, and well known to all ranks of men in this country. Much had been rested on the argument that there was no distinction between an Heir-Apparent and an Heir Presumptive. He saw a wide distinction. His present Majesty was a man of middle age ; the Heir-Apparent was a man of seven and twenty. Henry VI. was a child nine months old ; his uncle, the Heir Presumptive, considerably advanced in years. He said he would but lay down this one *postulatum*, which could not be denied, that these four persons would live the ordinary period of human life : this was a reasonable supposition. It would therefore follow, that the uncle of Henry VI. could never succeed ; whereas the present Prince of Wales must succeed to the Throne ; and therefore the two cases were unlike. He grounded a logical deduction on this syllogism. As the power of the Regent was in itself weak and precarious, so the whole of the regal power was more necessary to him than even to a King. It was undoubtedly necessary in all its extent to a King, or if it was not, he held and exercised some degree of power that was mischievous. But this the King neither did, nor was permitted to do by the Constitution. The Government of this country was a limited Monarchy, and the King did not act *injurie licentie*, like the despots on the continent, who set no limits

limits to their authority, and often exercised it for the most cruel and oppressive purposes. He contended in particular, that the power of creating Peers ought not to be taken from the Prince in order to lie dormant.

With respect to his Majesty's Household, he conceived the greatest part of it to be useless. Our feelings, however, frequently got the better of our sober judgment, and this, he said, was the case at present; for, although it was his opinion that the establishment was in a great measure useless, yet he owned he should not at present like to see the office annihilated; and that their unhappy Sovereign, upon his recovery, might have reason to complain that they had taken advantage of the hour of his distress to strip him of his domestics. This he could not approve of, loaded even as the nation was with taxes. But he saw no end to these limitations; for upon the same principle that they were made, they might make others, and even annihilate the whole regal power. That his Majesty's Household was necessary to a King he entertained not a shadow of doubt; for subordination was absolutely necessary to the peace and happiness of every community; and those external ensigns of royalty, which all ranks were capable of perceiving, and were deeply impressed by, were of no small importance for attaining this desirable end. If this power was necessary to a King, then ought it not to be transferred to a Regent? The present subject was not a party question. If it were he would say, *non agitur de publico commodo, sed utrum Cæsar aut Pompeius possideat rempublican; dic ergo, Cato, quid tibi refert ista contentio?* It was not whether this man nor that man should be Minister, but what was most conducive to the public good, and agreeable to the Constitution. If it should be said, certain powers were withheld from the Prince because it would have been unsafe to have entrusted them with him, this was at once confessing that he was unfit for the office. But if he was to be trusted with those powers that were now intended to be committed to him, he saw no reason why he should not be entrusted with the whole of the regal power. A venerable common lawyer had described two bodies as constituting the person of a King, a natural body, that was subject to passions, and a political body that was free from passion, and immortal. The natural demise of the King by death was the separation of these two bodies from each other; and he contended

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from analogy, that, on the present occasion, although the political capacity of the King remained entire, his natural capacity was gone, and that there was a temporary political demise. But although the Prince had no strict right to succeed to the regal power during the incapacity of his father, because there was no law that expressly said so; yet from analogy he had such a claim as he could not be divested of, but for reasons which would justify his being excluded from the Throne. He said, if there was any weakness in the reasoning of this venerable common lawyer, it was, that the case he probably had under consideration (for he was not certain) was a natural demise, but still it applied strongly to the present case.

It had been urged by a noble and learned Lord who first spoke, that unless these Restrictions had been imposed upon the Prince, his Majesty, when he recovered, and came down to that House, might see faces which were new to him, probably such as he would not like to see, and that he might find himself surrounded by his enemies. His Lordship said, he did not wish to use any asperity of expression, but he could not help thinking this was highly illiberal, for he was sure the King had no enemies. It was paying but a poor compliment to the two great Personages. He was certain the Prince of Wales would have no friends but those of his family, and of the Constitution; and he was as certain, that his Majesty would not be offended in seeing those men in that House. He said he was sensible that friendship could only subsist among equals; it was a maxim he had learnt at school, and therefore he did not pretend to be a *friend* to the Prince of Wales: but he considered himself as a friend to the whole House of Brunswick, because they had been friends to the Constitution of this Country, and had maintained the rights and liberties of the people. He said, he believed no man in that House uttered any proposition which he did not believe. He had taken the liberty to submit these observations to their Lordships, as sober enquiries after truth. He concluded with giving it as his decided opinion, that his Royal Highness the Prince of Wales ought to be entrusted with all the regal powers.

In the course of his speech the Bishop, amidst a variety of other points, stated that his enemies, he well knew, had reported him to be a favourer of republican principles. They might possibly seize on this occasion to charge him with being an advocate for prerogative,

tive, but he was neither a friend to republican nor prerogative principles, neither to an Aristocracy, nor a Democracy, but to that just equilibrium of the three powers, which formed that excellent fabrick, the British Constitution.

Lord
Sandwich.

Lord *Sandwich* said, he might well feel alarmed at rising after so able and so eloquent a Speaker as the noble and learned Prelate, but he wished to prevent a fourth Estate being introduced into the Constitution, and, as the noble and learned Prelate had not moved any amendment, he would take the liberty of introducing one. His Lordship went through all the various arguments that had been advanced in the other House of Parliament against limiting the powers of the Regent, and introduced several pertinent observations in reply to Lord Camden's argument, among others, observing that the case was not that of suffering a tenant in tail to cut down timber, but to plant a tree on the family estate. He spoke of the injury that must result to the empire, and the damp that would be cast on the ardour of public spirit, by restraining the Regent from conferring the honour of Peerage on meritorious persons; he asked whether it was likely, when his Majesty should recover, that he would feel uneasy at seeing the most deserving sea officer, who had done as much service to his country as ever had been done by an officer since a ship had worn a pennant, the gallant Lord Rodney, seated on the ducal bench? He reprobated the conduct of Ministers in deserting such a man, and suffering to sink almost into the earth. He spoke of his Majesty's situation as by no means such as to warrant sanguine expectations, observing that in the course of his life he had learnt the bitter lesson of sad experience. He mentioned the Resolution agitated some years since, that the Power of the Crown had increased, was increasing, and ought to be diminished, declaring that he had voted against the maxim, being convinced of the contrary; but that now those who had voted with him against the Resolution, were for diminishing the influence of the Crown. His Lordship added a variety of other arguments and observations, and concluded with moving to add to the motion, by way of amendment, the words, "for a time to be limited."

The first Resolution was then agreed to, and the second being read, "That his Royal Highness should not have the power of creating any Peers, except the sons of his Majesty, having attained
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the full age of twenty-one years," the question was put on Lord Sandwich's Amendment, "for a time to be limited."

Lord *Sydney* opposed the Amendment, upon the ground of the absolute impossibility under the circumstances of his Majesty's illness of fixing any time; in what a disagreeable dilemma would not the House be involved, asked his Lordship, should they agree to limit the Restrictions to six or twelve months, and at the end of that time his Majesty, though he might not be recovered, might be on the point of perfect recovery! His Lordship contended that moving the Amendment was a tacit admission of the propriety of the Restrictions.

Earl *Carlisle* was against the whole of the Restrictions, which went, he said, to create a weak Government, and a strong Opposition. He supported the Amendment, wishing that some part of the evil of the Restrictions might be done away by their being limited, but he would not allow that therefore the Restriction ought to pass. He spoke shortly on the injustice of suspending the prerogative of creating Peers; and noticing what had fallen from the noble and learned Earl, of the Parliament bringing in a Bill for creating a Peer, declared a remedy of that sort to be much worse than the disease, and in his opinion highly unconstitutional. The doctrine of the two Houses having the power of creating Peers, being held by so great a character as the noble and learned Earl, was, he said, so contrary to every thing that he had hitherto understood of the principles of the Constitution, that he called on the noble and learned Lord for an explanation.

The Lord *President* said, the noble Lord had misconceived him; he did not say the two Houses of Parliament could create a Peer, but that the Parliament could.

Lord *Carlisle* was still dissatisfied; he considered the explanation to be equally unconstitutional with the original assertion.

The Earl of *Derby* argued against the Restrictions, and combated several of the positions of the Lord President. In particular he asked whence the noble and learned Lord derived his information that the present Ministers were to go out, and a new Administration to be formed? He conceived, he must have inferred it from a consciousness that the present Administration had treated the Prince of Wales so ill, as to feel themselves unworthy of his confidence. His Lordship

ship reprobated the idea of the other House having any participation in the creation of Peerages, as in the highest degree unconstitutional; when he said this, he declared it was well known he was partial to the other branch of the Legislature; because, being the popular estate of the realm, from the circumstance of the Members of that House being liable to be frequently sent back to their constituents, they were most likely to speak the real sentiments of the people at large, who, in a Government constituted as ours was, deserved every possible degree of respect and attention.

Earl
Fitzwil-
liam.

Earl *Fitzwilliam* rose, and reprobated the doctrines that had been advanced in the course of the several discussions that had taken place on the subject of the Regency, as tending more and more to reduce the Constitution from the principles of a limited Monarchy, and change it to the principles of a Republic. His Lordship in particular complained of what they had that day heard from the noble Earl at the head of his Majesty's Council, who had stated in argument, that no evil could result from passing the Restriction, disabling the Regent from creating a Peerage, because that the two Houses of Parliament could in effect grant a Peerage, where the case should be of a nature to render such a dispensing of the honour of nobility not only proper but necessary. His Lordship charged this settlement as in the highest degree unconstitutional, and said, he should in consequence think it his indispensable duty to come forward with a declaration, condemning all such doctrines as repugnant to the principles of the British Constitution; and he would do it the very first opportunity, the next day, if it should be vacant, of which he desired their Lordships to take notice.

Lord
President.

The Lord *President* rose again, and after observing that the noble Lord would only vote a *truism*, if he had kept his word, restated what he had said, instancing the precedent in the reign of Henry the Sixth, of the Act of Parliament passed to ennoble Sir John Cornwall. He said, a variety of instances could be given, of Peerages so granted by the authority of Parliament, and that a Peerage so created, was not, in his opinion, the worse for it.

Earl
Fitzwil-
liam.

Earl *Fitzwilliam* declared he was confirmed in the necessity of coming forward with the declaration he had intimated, his intention of submitting to their Lordships service, his apprehensions of what he before much doubted whether he had heard correctly, were ascer-

tained

tained by the noble and learned Earl's having reasserted the republican doctrine he had before advanced, and maintained that the two Houses of Parliament was not an unfit channel to canvass for a Peerage.

The Lord *President* desired, that if he had loosely stated any point relative to the source of honours, such as a Creation to the Peerage, that advantage might not be taken of any inadvertent *lapsus linguae* that might have escaped him. No man was more convinced than he was, that the Crown, and its spontaneous will, was the constitutional source of Peerage. In the instance he had stated, the fact was as he had described it; during the minority of Henry the VIth, Sir John Cornwall had been ennobled, in consequence of an Act passed to enable the Regent to grant the honour. His Lordship said, an abundant variety of Peerages so created might be adduced, and surely an honour so conferred, whether by the Crown, or the person exercising the Royal Authority in behalf of the Crown, was not the worse for the previous advice and consent of both Houses of Parliament. Lord President.

Earl *Fitzwilliam* said, *worse* and *worse*! He was certainly speaking in a Republic, and not in a limited Monarchy. The noble and learned Earl he had first understood to mean, that the honour in question had been bestowed in consequence of a regular Act of Parliament, but he now learnt that it was merely at the instance of the two Houses of Parliament. He was more than ever, therefore, confirmed in the necessity of coming forward with his proposed declaration, and he should feel for the Constitution, if their Lordships did not lend him their ready concurrence when he did bring it forward. His Lordship said, a confirmation of the necessity of his bringing forward the declaration he proposed, was a noble Lord's having lately stood up and avowed, that the proceedings going on were intended to delude and throw dust in the eyes of the public. Earl Fitzwilliam.

The Lord *President* again repeated his acquiescence in that doctrine, which no man who knew any thing of the Constitution could object to, viz. that honours and rewards were derivable from the spontaneous will of the Crown, and that only. He was, he said, as much an enemy to Republican principles as the noble Earl. He had never meant to insinuate, that the Peerage could fairly and constitutionally originate in a proceeding of the two Houses of Parliament Lord President.

at their own instance, but at the instance of the Regent, intimated through the medium of the Houses of Parliament, and in super-addition to the will of the Regent having the sanction of their advice.

Lord Portchester. Lord *Portchester* charged the Lord President with having said, that the creation of Peers depended on the *concurrence* of the two Houses of Parliament, a doctrine highly unconstitutional!

Lord President. The Lord *President* denied that he had said a syllable that came near the idea stated by the noble Lord; he had not talked at all of the concurrence of the two Houses, but of an act having passed at the immediate instance of the Regent, signified expressly to be such, which authorized the ennobling Sir John Cornwall. He repeated it, that abundant instances of Peerages created by Parliament could be adduced, but desired, if by any loose and unguarded expression, he had been understood to intimate, that it was his opinion the honour of the Peerage could originate in any other source than the pure, spontaneous will of the Crown, or the person exercising the Royal Authority, he might stand corrected, and be considered as having withdrawn any such expression.

Lord Portchester. Lord *Portchester* rose again, and with great warmth imputed the dangerous doctrines broached that day, and all the unconstitutional opinions advanced one after the other from time to time, from the imprudence of the Houses not having in the first instance pursued the plain direct and obvious line of their duty, that of declaring his Royal Highness the Prince of Wales Regent, and by that means preventing all that delay that had led to accumulated difficulty and danger. His Lordship denied that the present Ministers were or ought to be considered as Ministers, they were the late Servants of the Crown, and at present were *Usurpers*, who had arrogated to themselves offices, which they had no right to hold, and clinging to office to the last moment, continued in the exercise of authority, after their trust and powers were at an end; their only object, he said, could be to share the spoils of Government by providing places, pensions, sinecures, &c. for their friends and adherents—

Lord Osborne. Lord *Osborne* (the Marquis of Carmarthen) called the noble Lord to order. His Lordship said, he was sure the noble Lord would forgive him for his interruption, since it would afford him an opportunity of recollecting himself, and he was persuaded, that when he became

became cool, he would feel the injustice of applying such a term as *Ufurpers* to those who certainly could not, under the present circumstances, be deemed Ministers, but who nevertheless were under the necessity on a principle of duty and honour, obvious to the understanding of every man of common sense, not to leave their offices till such measures had been taken with the advice and consent of Parliament, as should render it safe for the public that they should quit their very disagreeable situations, and embrace others of greater ease, security, and comfort. The task of proposing the measures necessary to be adopted in the present arduous crisis had devolved on those who had the honour to serve his Majesty, at the time that he had been seized with his illness, and surely it was no very enviable task; the noble Lord, therefore, he trusted, would suffer them to proceed in the discharge of their duty, relying as he might safely do, that they were as anxious to retire, as he could wish them, from the irksome situation in which they then felt themselves placed. The noble Lord had thought proper to impute to the noble and learned Earl at the head of his Majesty's Councils——

Lord *Portchester* rose hastily, and said, what the noble Lord was then saying was not to order; his Lordship therefore resumed his Lord Portchester last speech, and proceeded to enumerate the monstrous evils that had followed from the delay that the late servants of the Crown had been guilty of. Among other enormities, he stated that no longer since than Monday last, two men had been *butchered* by a public execution, at a time when, from there not existing a Government, the door of mercy was barred to them. These unfortunate convicts therefore had been deprived of the fair chance, (of which every other convict during the existence of an actual Government enjoyed), the opportunity of applying to the fountain of mercy, to obtain either a temporary respite, or a final reprieve. Another circumstance of a similar nature, his Lordship said, had occurred in Scotland, the circumstances of which, as he had been informed of them, (for he knew them not from his own knowledge), made his heart bleed at their recollection. He had heard two men had been executed there, after it had been intimated to the late servants of the Crown, that one of the witnesses against them on their trial, was believed on no light authority to have been the perpetrator of the crime charged upon one of the unhappy men convicted, and who had since suffered.

His Lordship enlarged on these facts, and admitted that he spoke with warmth, the subject being of a nature which he freely confessed roused his feelings and put it out of his power to argue coldly.

Lord
Sydney.

Lord Sydney urged the injustice of any charge being made against his Majesty's Servants in so sudden a manner and of so extremely delicate a nature, without its being reduced to such a shape and form as should admit of the parties charged making a regular defence. With regard to the persons executed in Scotland, though he spoke wholly unprepared, he believed, he should be able to state the facts correctly. The two persons were convicted after a full and solemn trial; applications had afterwards been made to Government, stating, that a witness on one of the trials was charged by the convict with having been guilty of the crime alledged against him, and of the perpetration of which he had been convicted; repeated arrests of execution had been sent down, and since the trial of the witness in question, the Law Officers of the Crown in Scotland had signified to Government their clear and thorough conviction, that the persons under sentence were beyond all question guilty of the crimes of which they had been convicted, and the execution of the law had in consequence taken place. With regard to the execution in London, they were two persons convicted of murder, who were, by the authority of a special statute, obliged to be executed within a specified period of time, unless some circumstances had been signified to have come out on their trial to make the interposition of the Royal clemency necessary. If, however, his Lordship had any charge to make against those who had the honour to serve his Majesty, it behoved the noble Lord in candour and fairness to give regular notice of his intention, in order to enable those accused to prepare for their defence.

Lord
Porchester

Lord *Portchester* declared he persisted in his assertion, but that he meant no charge against Ministers; he had merely imputed the melancholy facts that he had mentioned, to the delay that had taken place, and he repeated his words, that the convicts executed had been butchered, having been debarred the opportunity of applying by petition or otherwise for that mercy, which had there been an existing government, there would have been an opportunity of their applying for. His Lordship quoted Judge Blackstone's Commentaries, in which the venerable author states, that so tender and

humane

humane is the criminal law of England, that if a convict, after receiving judgment, loses his senses, it is usual to stay the execution, from the idea that if the prisoner had retained his sanity of mind, he might possibly have suggested some plea sufficiently strong to have induced Government to have mitigated the severity of his sentence.

Lord *Sydney* said, God forgive him ! but he had thought, when he had heard his Majesty's servants charged with being Usurpers, and that they staid in office merely to share the spoils of Government, and provide places, pensions, &c. for their friends and adherents, that something like a charge had been made against them. Lord Sydney.

Lord *Portchester* again insisted upon it, that what he had said was no charge against his Majesty's servants. He had urged it as an argument to prove the fatal consequences resulting from the delay that had taken place in making the Legislature complete, and as one of the most prominent of those evil consequences he should persist in maintaining it to be, since the persons executed, though perhaps all guilty of the crimes alledged against them; to the utmost extent of those crimes, had certainly been executed without having an opportunity of appealing by various means, to the constitutional fountain of mercy, in the same manner as other convicts had been enabled to appeal.

Lord *Kenyon* declared, he could not sit still and hear a charge of so serious a nature, urged with so much warmth and vehemence, against a Judge. If the fact were true that the noble Lord alledged, it must have been owing to the criminal neglect of one of the Judges; he had hoped therefore, that the noble and learned Lord who sat near the noble Lord who had made the charge, as he had been so much longer a Judge than he had, and possibly might have known the fact in question as far as referred to the London execution, would have risen and set the noble Lord right. His Lordship stated, that if on the trial of a person convicted of a capital crime, circumstances came out on the trial, that warranted the Judge to suppose the conviction was founded on erroneous principles, it was his duty to respite the convict; that this had been done from time to time, and, he might say, from year to year. If, therefore, any favourable circumstances had come out on the trial of the two persons executed on Monday last, it was the duty of the Judge who

Lord
Kenyon.

tried the criminals to have respited them ; and if he had neglected this high duty, the men had not been *butchered*, but *murdered*, which was in the contemplation of law, a much higher offence, and the Judge who had been guilty of such an act of criminal neglect, instead of being suffered to go in state to Westminster Hall the next morning, ought to be seized in his furr robes, dragged from the seat of justice, and hurried to that dungeon, in which the two unfortunate sufferers had lingered their last hours of existence. His Lordship for this reason called upon the noble Lord to make good his charge, to put the parties accused, whoever they might be, (for he declared he knew not who was the Judge in question upon their trials), and bring the guilty persons to that condign punishment, which, if the charge were true, they most undoubtedly merited. His Lordship apologized to the House for having thus suddenly intruded himself upon them, but declared, that he should have held it criminal to have sat silent, when such a charge was made upon a Judge, and he had been in hopes that the noble and learned Lord, to whom he had before alluded, and who at all times spoke with so much more authority than he could pretend to do in that House, would have risen and saved him the trouble that he had felt himself obliged to give their Lordships,

Lord
Portchester

Lord *Portchester* declared, he still persisted in what he had said, but denied that he either had made, or had meant, to urge any charge against a Judge. He had not known when he first spoke who was the Judge, who tried the criminals convicted at the Old Bailey. He had that moment learnt that the Judge was his own relation, and a man for whom he entertained a sincere respect ; but that altered not the truth. He had mentioned the facts to which he had alluded, as proofs of the various evils that had resulted from the delay that had been suffered to take place in restoring the Sovereign Authority, and though he believed the persons executed to have deserved their deaths, and knew that two of them were executed in conformity to an express Statute, he should nevertheless contend that they were deprived of that chance of mercy which the Constitution allowed all convicts to take advantage of, and which other convicts enjoyed.

Lord
Lough-
borough.

Lord *Loughborough* declared he had not meant to have troubled their Lordships that night, and for an obvious reason, he not only

was

was unable to speak at any length, but scarce able to breathe. He lamented, that both at the beginning and at the conclusion of the noble and learned Lord's speech in that House, he should have taken occasion to impute to him an inattention, the imputation of which must necessarily have given him pain. Undoubtedly he had been a Judge some years longer than the noble and learned Lord, and he certainly felt so much respect and esteem for the Judges in general, so much conviction of the probity and honour of every one of them; he might say so much of the sort of *affection*, implied by the term commonly used in their mode of addressing each other, that had he heard any thing that tended in the smallest degree to impeach their integrity, or arraign their conduct, he should have thought it his duty to have stood up and desired, that the imputation might have been reduced to a shape and a form capable of being combated. But he had heard nothing like this; a noble Lord speaking plainly, on the evils resulting from the present conjuncture of affairs, had stated, that certain convicts had been debarred the opportunity of appealing to the best attribute of the Throne before them, and of soliciting through the different channels of ordinary application that clemency, the peculiar ornament and glory of the Crown. With regard to the supposed imputation on any one of the Judges, he denied that any existed; a Judge might try a prisoner, pass the sentence of law upon him, (which undoubtedly was the sentence of the law, and not the sentence of the Judge,) and not feel himself entitled to report in his favour. When he said this, he spoke from his own experience; it had happened to him, and that more than once, or twice, or thrice, that he had tried prisoners; they had been capitally convicted; he had carefully revised all the circumstances of their trial, and not being able to discover, to the satisfaction of his own mind, a single reason to justify a report in their favour, had reported that he could not think himself warranted in recommending them to mercy. He had done this, and nevertheless mercy had been more than once extended to persons of that description, and he verily believed, on a very fair and proper principle. He said, he particularly recollected a case in Norfolk, where four prisoners had been capitally convicted, and he had not, upon the most scrupulous revision of the trial, discovered to his own conviction any difference in their cases separately considered, that appeared to warrant his reporting of one more

favourably than of another ; it happened, nevertheless, that the Royal mercy was extended to one of them, and he thought very fairly, it having been considered that it was possible one out of the four might be saved without injury to the effect of the law. His Lordship said, in stating these facts he did not hesitate in the least to risk his own character for humanity as a Judge. He had always held it to be more humane, as well for the example of others, as for the enforcement of the object and intention of the penal statutes, where the guilt was evident and glaring, rather to let the law take its course, than by a mistaken lenity to multiply offenders, and accumulate the sacrifices at the shrine of what was falsely considered the sanguinary spirit of our criminal laws. Being upon his legs, he said he would make one effort more, with a view to save their Lordships future trouble. His Lordship then took notice of what had passed between the noble Lord at the head of his Majesty's Council and a noble Earl near him, relative to a Peerage being created by the authority of an act of Parliament. His Lordship shewed the mischief of encouraging any such idea obtaining ground, and strongly urged the danger of its admission as a doctrine, authorized even by the sanction of an individual Peer of Parliament delivered in debate, reminding their Lordships, that although admitting the noble and learned Earl's doctrine in its fullest extent, a Peerage Bill might originate in a message delivered either at the instance of the Crown, or at the instance of the Regent, nevertheless the House of Commons would be immediately let into their share of creating a Peer, the honour of the Peerage would be put to the vote, and thence a most unparliamentary interference of the other House, with the constitution of that House, would be established, a doctrine too monstrous to be permitted for a single moment ! His Lordship reasoned with his usual perspicuity and force of argument on this grand objection to the countenancing of such a plan, and after stating that he hoped the noble and learned Earl would, by a full disavowal of the doctrine, render his noble friend's intended appeal to the House unnecessary, proceeded to say a few words on the use and advantage resulting from the power of creating Peers remaining entire, free, and unrestrained, in the hands of the executive Government, as an incentive to public spirit and public virtue. His Lordship spoke of the ancient mythological fable, representing the

Temple

Temple of Honour as placed behind the Temple of Virtue, meaning thereby to inculcate the doctrine, that all who obtained admission to the latter must necessarily pass through the former, since it was supposed that no person could deserve honour who had not manifested proofs of virtue. His Lordship contended, that if the doors of the latter temple were closed, it was a virtual shutting up of the exterior.

The Lord *President* rose once more, and said he should be extremely unhappy if he had not made what he meant intelligible by his explanations, and if he had not rescued himself from all possible imputation of either broaching or maintaining an unconstitutional doctrine. He therefore begged leave to reassert that he had not entertained any the most distant idea of laying down positions repugnant to the ideas the Constitution supported, respecting the creation of Peerages, and if any words that had fallen from him had warranted such a supposition, he begged to be understood as having retracted every expression of that tendency.

Lord
President.

Earl *Fitzwilliam*, under this ample disavowal of the Lord President's intention to advance any unconstitutional doctrine, professed himself satisfied.

Earl
Fitzwilliam.

The Lord *Chancellor* rose for the avowed purpose of drawing the attention of their Lordships back to the subject of the question before them, from which he conceived the Committee to have been strangely led aside. His Lordship professed himself to have entertained a wish that instead of answering the argument of the noble Earl, who had threatened to introduce an abstract proposition, and call upon the House to vote a *truism*, the noble and learned Earl would have challenged the noble Earl to have come forward with his proposition, and take the sense of the House on it. The noble and learned Earl was right in his argument; it was indisputable that Peers had been created by the authority of Parliament. In point of fact, in a certain period of our history, Peers were as often created that way as any other. With regard to the noble Lord who had charged Ministers with usurpation, and had talked of the butchery of certain convicts who had suffered the sentence of the law, he imputed much of the violence of that noble Lord's charges against Ministers to the natural warmth of his temper, which would not allow him to reflect on the injustice of suddenly and loosely

Lord
Chancellor

urging

urging an accusation against men, whose characters for integrity, rectitude, and a faithful discharge of the duties of their office, were as dear to them as any principle of action on which the noble Lord might pride himself. Let the noble Lord recollect that a charge of having suffered men to be *butchered*, was of that sort to which no human breast could submit, and that he and every other man, standing in a public and responsible situation, must necessarily feel that such a charge ought not to be slightly urged. If the noble Lord thought himself in possession of any fact to ground either of his charges upon (for charges he should contend most undoubtedly they were), let him come forward and state them. But the noble Lord ought to state them specifically, and in form: let the noble Lord attack him like a man, and he would answer it as a man, but he ought not to be expected to sit silent, and hear himself arraigned in the grossest manner, without endeavouring at least to repel the blow. The Lord Chancellor in the course of this short speech manifested a considerable share of indignation, which seemed to make an impression on the House, and to carry their feelings in a similar train with his own.

Lord Stormont. Lord *Stormont* began with declaring, that meaning as he did to claim their Lordships indulgence, when the subject of the Resolution respecting the King's Household should come on, he would not at that late hour enter into any discussion of the various matters not immediately connected with the question that had inadvertently arisen in the course of the debate, but would endeavour, as briefly as possible, to state his sentiments respecting the Restrictions as to the Peerage, and the amendments so properly moved by the noble Earl. He declared he would support the latter, though he by no means approved of the Restriction itself, which he thought came with a very ill grace from those who had exercised the power of the prerogative with a liberal hand, and thence held out to the world that in their opinion, at least, the power of making Peers was peculiarly essential to the existence of a good Government. In the course of five years the present Administration, his Lordship said, had created forty-two Peers. Calling his Majesty's reign therefore, for the sake of easing the average, only five and twenty years, in that period, if the prerogative of making Peers were exercised in proportion to the ratio of the last five years, no less than two hundred and forty Peers would

would have been created in the present reign ; which if it were true, as the noble Earl at the head of his Majesty's Councils had stated, that there ought to be a certain *quota* of Peers only created in every reign, was a pretty large *quota* for the present reign. His Lordship argued the necessity for this prerogative of the Crown to be freely exercised by the person or persons, whoever he or they might be that represented the third Estate, and appealed to the House itself whether, if the power in question had not been exercised during the last ten years, the public and the country would not have suffered many great inconveniencies. Among other material losses that House in particular would have sustained, it would not have had the advantage of the presence and abilities of the two noble and learned Lords who had just spoken. In order to enforce his argument respecting that disadvantage (a disadvantage which he was persuaded their Lordships would admit with him to have been a real and a substantial one had they suffered it) he would go a little into detail, which was sometimes the most effectual mode of reasoning. Ever since the discussion of the question respecting the Regency, they had lost two persons of great character and consequence in the country, Lord Grantley and the late Speaker of the House of Commons ; and it was impossible to say what farther ravages the fell tyrant, whose irresistible power they must all one day submit to, whether crowned or not, might make among them. At present there were not more than five noble and learned Lords, Members of that House, who usually attended. No one of these five [Lord Camden, Lord Bathurst, Lord Thurlow, Lord Loughborough, and Lord Kenyon] could render their natural existence like their reputations, immortal ; it was impossible therefore to say how soon their Lordships might be deprived of the benefit of their assistance. Should such an unfortunate event (which no man could more sincerely deprecate than he did) take place, and the Regent be deprived of the power of adding to the Peerage, to what a situation would that House be reduced ? In what a lamentable condition would the property of the kingdom stand ? Causes of Appeal, of infinite magnitude and importance, involving questions of great legal subtlety, might come before them, and surely none of their Lordships would say that the issue of appeals, of that description, ought to rest on the decision of integrity alone. The assistance of Peers of professional knowledge

was clearly indispensable, and yet from the case he had put, their Lordships would see that if the Restriction disabling the Regent from making Peers were adopted without its being, as the Amendment proposed, confined to a limited time, they would be exposed to the chance of being deprived of such very necessary assistance. Lord Stormont reasoned upon the strong necessity of preserving the whole chain of Sovereign authority entire. The first link, he said, ought to be fastened to the foot of the Throne, and proceed regularly link by link to its termination. Let them (as they had been well advised) beware how they shut the door upon the power of creating Peerages. The door once locked, they would no longer have the key in their possession, nor would it be in their power to obtain it again. He reminded their Lordships of the pride and vanity natural to human nature, and thence argued against their own weakness which might induce them to resist any attempt hereafter to restore that branch of the Prerogative. He reminded them of the Regency Bill that had been introduced in the reign of George the First, and recapitulated all the circumstances of it, observing that the Minister of that day, who was undoubtedly a man of ability, stood upon the baneful ground of introducing dissention into the Royal Family, and poisoning the ear of the Sovereign against the Prince of Wales, the Heir-apparent. He dwelt most emphatically on the pernicious effect of such conduct, and laboured it with singular energy. His Lordship afterwards cautioned the Committees against consulting to take from the Regent any part of the Royal prerogatives, contending that as his government, from the uncertainty of its duration, and its want of permanency, would unavoidably be weaker than that of the Crown, it ought to have the benefit of being armed and fortified with every power granted to the Crown, in aid of its executive authority, and asserting, that if it were insisted on, that powers were given to the Crown that were not absolutely necessary to the Government of the Regent, the plain inference must be, that more powers were possessed by the Crown than were absolutely necessary, and all such superabundant powers, every man would admit, must be mischievous, and ought not to remain a moment longer. His Lordship took occasion to allude to the conduct of Richard Duke of York, of whom

whom they had heard so much before, who in the character of Guardian of the Kingdom, during the infirmity of Henry the Sixth, put the Great Seal to a commission issued in the name of the King, purporting to authorize the levying of troops to proceed against the *traitors*, which traitors, so described, were no other than the Queen herself and all those who had, from principles of loyalty, ventured to support the sinking cause of Henry the Sixth. This he instanced as a proof of the dangerous abuses that might be grounded on a fiction of law representing the King's authority, and in confirmation of it he mentioned that a similar commission had been issued in France, in the name of the Queen of Henry the Third of that kingdom, by the young Duke of Guines, who in his early career affected to have the support of the Government for his object in taking up arms, but who ultimately endeavoured to ruin the interests of the best Monarch that ever sat upon the Throne of France, Henry the Fourth. His Lordship added farther arguments and collateral observations, but there were few, if any of them (excepting what we have noticed), little different from those agitated and offered by different Opposition Speakers in the House of Commons.

The Lord *Chancellor* said, he would lay out of the case for the present, every consideration that did not immediately refer to the Resolution, not with a view to avoid the discussion of every part of the various topics that had been introduced into the debate that day, but as he should have a future and he trusted a full opportunity of discussing them minutely and to the utmost extent. He gave as a farther reason for so doing, that he meant to confine what he should then trouble their Lordships with, to that Resolution and the Amendment then before the Committee. Before, however, he did so, he must take the liberty of declaring that he concurred completely with the noble Viscount in that position, that he had laid down with so laudable an emphasis, viz. that the man who endeavoured to sow dissensions in the Royal Family, and to set the different branches of it at variance, deserved the execration of his country, and acted with a degree of baseness beyond any other species of human depravity. He trusted, however, from the little that he had been able to see of the Royal circle, that there was no probability of any such event as a disunion in the family taking place, and therefore he hoped, instead of attempting to insinuate that her Majesty's holding the patronage of the Household was likely to operate to the disadvantage of the Government

Government of the Regent, it would be insisted upon on all hands as more likely to be exercised to its strength and its advantage. He declared he felt what had fallen from a noble Earl early in the debate, as the most handsome thing that had been said upon the subject in the course of the discussions relative to the Regency in either House of Parliament. He alluded, he said, to the noble Earl's emphatical declaration, that he was *most perfectly* convinced, that the patronage of the Royal Household was not likely to be exercised by the exalted personage, in whose hands the Resolutions went to place it, to the disadvantage of the Prince Regent her son. That was the true point of view to regard it in, and for the peace and quiet of the country it ought to be so argued.

His Lordship spoke of the amiable conduct of the Prince of Wales, and said, to such a mother he could not but act with every possible tenderness and regard. He was proud to confess, he thought the House highly obliged to the Prince for having set the Question of Right, which had accidentally been started, and he verily believed without any serious intention of insisting on it, completely at rest, by the very explicit and satisfactory message that they had all heard delivered with so much propriety and force in that House. For that they were already indebted to his Royal Highness, and he trusted they should be still farther indebted for various instances of good sense and proper regard to what concerned the quiet and interest of the public. After more comment on the necessity and probability of the continuance of the most perfect harmony and union in the Royal Family, his Lordship proceeded to notice some of the arguments that had fallen from noble Lords who had spoken against the question in the course of the debate. He began this part of his speech with declaring, that he had not clearly understood the logical definition of Right, as stated in two different ways by a noble and learned Prelate. The noble and learned Prelate had quoted Grotius as stating the Right of any man, to be "his moral right to possess himself of any thing conformable to law." Now this definition, his Lordship said, could not apply to the Regency; such an office as that of a Regent not being recognized by any part of the common, or of the statute law, and consequently no analogy of law could be brought to bear upon it; nor indeed did Grotius mean it to refer to any such matter, but (for he well recollected the passage) to refer solely to a right existing in a state of nature. The other definition that the learned
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and noble Prelate had quoted from a different authority than that of Grotius, viz. “ a moral right to possess any thing *consistently* with law,” warranted not the application of the inference that the noble and learned Prelate had drawn from it, because if it could be deemed a fair argument to say that the Prince of Wales had a right to the Regency, because it was not inconsistent with any known law for him to possess it, it might with equal fairness be said, that the noble and learned Prelate had as good a right to it upon the very same ground of reasoning. Another remark made by the noble and learned Prelate was relative to the natural demise of his Majesty; the noble and learned Prelate had argued that his Majesty having been by infirmity rendered incapable of exercising his politic capacity, was to be considered, during the continuance of such incapacity, as having undergone a natural demise, and therefore to be in a state of *temporary natural demise*.

His Lordship reasoned upon this position, and contended that it was the clear language of Law and the Constitution, that nothing but the death of the King could be deemed the natural demise of the Sovereign. After enforcing this by argument, he proceeded to shew, that by a subsequent part of the Bishop of Llandaff’s speech, the noble and learned Prelate had forgot what he had said of the temporary natural demise of the King, and had reasoned upon his natural and political capacity remaining; he meant, he said, where the noble and learned Prelate had suggested the plan that he thought the two Houses ought to have pursued, viz. that of calling upon the Prince to act legislatively in the name of his father. All Commissions and instruments of authority would in that case necessarily have the Great Seal of England annexed to them, and they would, his Lordship supposed, run of course in the name of George the Third, which would be absurd if the King could be supposed to have undergone a temporary natural demise. His Lordship reminded Lord Stormont, that the precedents of Henry the Sixth’s reign were not, it was evident, thought equally ill of, as his Lordship had imagined, in all parts of the country, since the noble and learned Prelate had so heartily approved of the precedent of the transactions on the death of Henry V. that he had declared he had wished the whole precedent had been gone upon. The noble and learned Prelate, he must observe, was mistaken in supposing the two cases, that of the minority

rity of Henry VI. and our present situation to be at all similar. When Henry VI. became King, there was no Parliament, no Judges, no Sheriffs, nor any other Officer to carry on the law, or the public business; whereas now there was a Parliament existing, regularly convened, and in full force. The administration of justice proceeded, and the proper officers were capable of executing their respective functions. His Lordship here stated the transactions that took place on the accession of Henry VI. of the Chancellor's carrying the Great Seal to him in his cradle, the Duke of Gloucester's delivery of it to the then Master of the Rolls, &c. &c. He also said, that notwithstanding so much had been said against the precedents afforded by the reign of Henry VI. Lord Chief Justice Hale relied on them as good authorities for most of the fundamental principles of our Constitution. He owned he did not dislike the idea suggested by the Bishop of Llandaff, and said, something might in future be made of it. Having noticed all these matters, he denied that all the powers and prerogatives of the Crown could be necessary for the Regent, and contended that it was their duty to reserve something to mark the rank and dignity of the King's Person, who ought not to be stripped of every rag, and symbol of royalty. He commended the independent spirit of Lord Fauconberg, that had induced him to repel the idea of the Lords of his Majesty's Bedchamber being at the back of the Minister for the time being, but said, he had been a little surprised that the noble Lord should have so far mistaken the noble Earl at the head of his Majesty's Council, as not to have seen that the drift of the noble Earl's argument had been to rescue the Lords of the Bedchamber from the calumny cast on them elsewhere. He said, when the noble Viscount had talked of taking power *from* the Regent, he was perfectly at a loss how to understand the phrase. Where was it to be found that there either existed any such Officer as a Regent, or if there could be found that there had existed any such office, what were its powers defined? He denied that there ever had existed in the contemplation of law such a thing as a Regent. He had heard of King's Lieutenants, Guardians of the Realm, Protectors, &c. but never before of a Regent, and consequently a Regent could possess no other power than the two Houses chose to bestow. He argued against there existing a necessity for the Regent to have a power to make Peers, and maintained that

more

more real influence would result to the Regent's Government, from their having the power to *make expectations*, than could possibly be the case, were they to be enabled immediately to *make Peerages*. He stated that he knew but of two modes of making a Peer, viz. the one, of summoning persons to that House by writ, or creating Peers by Patent, both of which were necessarily inherent in the Crown as the fountain of honour, and could not with safety be lodged in other hands; nor ought they at any time to be put in trust for the Crown, unless in case of absolute necessity, and no such case he presumed would be pretended to exist at present. With regard to the amendment proposed by the noble Earl, he admitted that the Restrictions must in their nature be temporary, but the difficulty lay in the positive uncertainty to what time the King's recovery might be delayed; to declare therefore generally, that they should continue only for a time to be limited, was by no means removing the difficulty. Whenever his Majesty's Physicians should, unfortunately for the country, pronounce his Majesty's malady to be so confirmed by continuance, that his cure was in their opinions either impossible or highly improbable, he should then think the operation and effect of the Restrictions ought to cease and determine, and Parliament would at all times have it in its power to make the provisions necessary for this purpose. With regard to what had been said of the risque of leaving the removal of the Restrictions to the danger of future contingencies, he said, he had full confidence in the honour and independence of that House, and did not doubt but that the same degree of honour and independence would continue, and that when the fit time for taking off the Restrictions should arrive, that House would willingly co-operate with the other Estates of the Realm in putting a legal end to their duration.

His Lordship, in the course of his speech, denied that any person who had acted as Guardian of the Realm, Protector, &c. had ever possessed the full exercise of the Royal Prerogatives, that self-constituted Regent, Richard the Third, alone excepted. He also justified what had been deemed a fiction of law, and ridiculed as such, declaring it to be the only constitutional mode of proceeding that could be resorted to, and observing, that if the Restrictions proposed were objected against, he should expect to hear what trick those who opposed them would have advised the adoption of, as a more safe,

more respectful, and more legal mode of proceeding, in a case so difficult and embarrassing. He farther took notice of a variety of other matters of argument and observation that had been urged and suggested in the course of the debate, and raised a general smile, by saying emphatically, when some Lords exclaimed, *hear ! hear !—that he hated flattery as much as he disliked its reverse.*

Lord
Stormont.

Lord *Stormont* rose for the sake of one word of explanation, the noble and learned Lord having clearly misunderstood, and thence misrepresented what he had said. He had not talked of taking *from* the power of the Regent, but had argued for the necessity of the executive Government, in whatever hands placed, having the advantage of all the powers and prerogatives of the Royal Authority. The Regent, he well knew, must be their creature, and could have no powers but what they invested him with ; it did not, however, follow of consequence, that it would be either wise or proper to withhold from him any of those powers which were deemed necessary to the carrying on of a vigorous and efficacious Government, when the Royal Authority was exercised by the Sovereign himself. His Lordship said, there was one other circumstance that he must say a word to. He was always happy to hear the noble and learned Lord, because, after the noble and learned Lord had delivered his sentiments, there seldom remained any thing latent in any business to which the noble and learned Lord's sentiments referred. By the manly and open way in which the noble and learned Lord had just delivered himself, their Lordships had derived this imminent advantage ; the secret was discovered, and they were in full possession of the whole circumstances of the case. It was no longer doubtful for what period the Limitations and Restrictions were to last ; it was now avowed that they were intended to be permanent and perpetual. For what had the noble and learned Lord declared ? Not merely that Parliament would have the disposal of them in its power, which they all knew, but that in the noble and learned Lord's opinion they ought to be taken off, when that circumstance should occur, which they must all see was impossible ever to happen. The noble and learned Lord had said, that when the unfortunate moment should arrive, that his Majesty's Physicians should pronounce his malady so far confirmed, that there was no probability of a cure, he should think it then proper to put an end to the Limitations,

tions, and take the Restrictions off the Regent. It had been said in the course of the debate, that his Majesty might probably recover in six months, or his disorder might continue twelve months, or a year and a half. Should not the event of his recovery take place before the end of either of these periods, their Lordships well knew, that the malady his Majesty laboured under was of so fluctuating a nature, and assumed from time to time such different and delusive appearances, that although his Majesty's Physicians might not be able to say whether he would be cured or not, they might not think themselves warranted to declare that there was no probability of a cure.

Earl *Fitzwilliam* rose again to support what he had said in his former speech, relative to a noble Lord's having professed to throw dust in the eyes of the people, and by a fiction and form of the Constitution appeared to have regularly adhered to it. His Lordship declared, he had not alluded, as the noble and learned Lord imagined, to any thing said by him, but to another noble Lord, who, after having instanced what had passed on the accession of Henry VI. had resorted to the Continent for a precedent of the same sort of proceeding, and had stated that a *Lit de Justice* had been held, when Louis the XV. was an infant, and he had been taken by his Governante to preside at it, and had in appearance directed the Chancellor how to proceed. His Lordship enlarged on this precedent as relied on by Lord Hawkesbury on a former occasion, and said that noble Lord in express words had asserted all that he had in his former speech imputed.

Earl
Fitzwil-
liam.

Lord *Hawkesbury* rose to defend himself, declaring that he had not stated the precedent of what had passed in France in the minority of Louis XV. to the extent that the noble Earl had ascribed to him. He nevertheless admitted that he had contended that the preservation of the Constitution itself depended on a faithful adherence to its forms in moments of difficulty like the present; and that in all countries when an unforeseen calamity rendered the exercise of the Sovereign Authority defective in the hands in which for the wisest purposes the Constitution had placed it, there would be found large bodies of men, whose duty it would be to assemble and advise what means should be provided for the substitution of some person or persons to hold the reigns of Government. His Lordship reserved his

Lord
Hawkes-
bury.

sentiments on the subject of the Resolution relative to the entrusting her Majesty with the care of the Royal Person, and with the controul and management of the King's Household, till that question should come regularly under discussion.

The Question was at length put by the Chairman on the Amendment, "That these words be added to the Question," when the Committee divided,

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The Committee afterwards divided on the main Question,

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The Committee then adjourned the further consideration of the two remaining Resolutions, that restraining the Regent from granting Patent Places, Places on Life, in Reversion, &c. &c. till next day.

Friday, January 23.

STATE OF THE NATION.

The Order of the Day being read for their Lordships going into a Committee on the State of the Nation, in order to proceed with the adjourned consideration of the Resolutions from the Commons, (Lord Walsingham took the Chair.)

The Third Resolution was then read, restricting his Royal Highness from the power of allowing any Grant, Reversion, Patent Place, Annuity for Life, &c.

Lord *Stormont* rose, and moved, that the words "for a time to be limited," be added.

Lord *Cathcart* spoke against the Amendment. His Lordship entered into an argument on the necessity of limitations upon the Regent, on the ground of the Regent's not being entitled to the Rights of the Sovereign, as he was appointed only to supply the interruption of the Kingly Office. His Lordship described the attributes of the Crown, declaring it to be the fountain of honours, the fountain of office, and the fountain of privileges. The first of these were, he said, the only power withheld from the Regent. He enlarged

larged upon these, and alluded to a report, that considerable sums of money had been advanced for the purpose of buying up newspapers, and said, that his friends wanted no such means of popularity, the confidence and esteem of men who were the source of true popularity, men of wealth, of commerce, of funded and landed property, and as long as they possessed the esteem of such men, they were above the calumny, nay out of the reach of any publication.

Lord *Rawdon* said, their Lordships were called upon to come forward with provisions to restore the executive authority, which was unfortunately suspended; they were in duty, he conceived, bound to grant the whole executive authority; if they conceived the Royal Authority to be too considerable for the public benefit, they ought not to lose an hour in cutting it out by the roots. The power of the executive branch of the Legislature, his Lordship said, was essential to act against the powers of the two Houses, and thereby to form an equilibrium, which equilibrium was essential to the Constitution. He defied any noble Lord to shew a good reason for altering the powers established without having recourse to the body of the people at large, and obtaining from them as solemn, as strong, and as decided an opinion, as was had at the time of the Revolution! The absolute question that his Lordship conceived to be before the House was, whether the executive power should or should not be changed? They were not to consider that the Royal prerogatives were granted by the Constitution to the person of the King, but the Regal functions of the King, and that consequently they by right of the Constitution devolved to the person exercising the Regal functions of the King. It was, his Lordship said, from the respect they all entertained to their much-loved Sovereign, nearly impossible for them to make the difference required by the Constitution; if they did not, and abided by the Resolutions offered, and carried into effect the Limitations proposed, it would weaken and wound the Constitution for an indefinite time. His Lordship spoke of reports of the Prince of Wales, which stated that his interest was in opposition to that of his father. Such a rumour was, he said, as unhandsome as it was impolitic. What, said his Lordship, must the Prince of Wales feel when shackled down with the Restrictions proposed; what must he feel upon the difference made between him and his father? He must feel them, as all men must

Lord
Rawdon.

feel them, as an insult, and as a suspicion. He was against not only the present limitation proposed, but against every limitation, being convinced that they were unwise in policy, and indecent to an individual. His Lordship next adverted to what had been said in another place, respecting the Lords of his Majesty's Bed-chamber, and of the Household, being menial servants. Such an assertion, he said, ought not to be suffered to go uncontradicted; such an idea ought not to be allowed to pass to the public for a moment. The Peers of Parliament could never be supposed to be the menial servants to any man; they were in rank superior to all other of their fellow subjects; and those who were about the Royal person were placed there by the Constitution, not as menial servants, but as assistants to the grandeur of the Monarch. He was conscious that every one of those noble Lords would spurn at any attempt to influence their votes, but they might be induced by their affection to vote contrary to their judgment. His Lordship said it was ridiculous to argue that, should the present Resolution not pass, that the King's return to his Throne would be impeded; neither a vote of that, nor of the other House, could prevent the Sovereign, who worthily reigned in the hearts of his people, from assuming his Throne whenever God should again give him the capacity. No, if the two Houses should adopt such a measure, the people would step in, correct such determination, and exert their right of giving law to those whom they had chosen to make laws for them. His Lordship, speaking of the last Resolution to be proposed, said, that as it contained three distinct propositions it ought to be separated, that each proposition might be fully and fairly decided upon. The latter part, he said, provided a Council; and before he conceived their Lordships ought to agree to that proposition, it ought to be stated to their Lordships of whom that Council was to be composed.

Lord Osborne. Lord *Osborne* (Marquis of Carmarthen) freely admitted that the Kingly powers were vested in the Sovereign for the benefit of the people, but from that it did not follow that when the King was, by a temporary indisposition, rendered incapable of the exercise of his Sovereign powers that they should devolve to another, and that the person appointed to the exercise of the Sovereign Authority, should be vested with all the powers of the Crown. He said, he could not agree

agree with the assertion that the Constitution was injured by the Restrictions, because they restrained the powers of the Crown; on the contrary, he considered them not only as strictly proper, but perfectly constitutional. He considered the Queen as the proper person to have the care of the King, and the direction of the Household. He would not for a moment entertain an idea that the patronage proposed to be entrusted to her Majesty, in the care of the Sovereign, would ever be exercised against her son's government. What opposing interest could there be? In what did the interest of the Queen and the interest of the Prince differ? They had one general, one united interest, and they could not oppose each other's interest without injuring the interest that was common to both parties. With respect to the noble Lord's wish to know who were to constitute the Council of Advice to her Majesty, that he said would be explained by the Bill that would be brought in. His Lordship contended feelingly for the continuance of the whole Household under the direction of the Queen; if it was taken out of her hands, it would be adding insult to affliction. His Lordship asked when the Lords of the Bedchamber had not been made free with? The present, he was sure, were men of strict honour, and far above the reach of influence. He said he revered his Sovereign, he loved the Prince of Wales, and he felt the highest respect for her Majesty; but he most revered and loved the Constitution of his country. He concluded with professing that he considered himself, and would ever consider himself, responsible for his conduct both with respect to his Sovereign and to the Constitution, to their Lordships and to his country.

The Marquis of *Townshend* reprobated the idea of loading the country with an additional expence to support the state of the Regent, when the present established Household would serve both to attend upon his Majesty and the Regent. All the domestics, up as high as the Groome of the Chamber, might attend and wait on his Majesty, while the Lords with white staves, and all the higher officers, who could not now be upon any duty about his Majesty's person, might attend the Regent, and make a part of his state and splendour. The Marquis spoke also of the military establishments at St. James's, the Yeomen of the Guard, and Gentlemen Pensioners. He asked of what use were they at this time? were they left in an

Marquis
of Town-
shend.

empty palace to guard the old tapestry? Why were they not placed under the Regent? Dr. Willis, he was persuaded, did not want a reinforcement of such assistants. His Lordship spoke of the want of œconomy evident in the providing a new and unnecessary establishment, which seemed repugnant to the principles of the present Administration, who had not only professed to be friends to œconomy, but acted upon that principle, and he would do them the justice to say, acted laudably for the public, and to the effectual service of their country. His Lordship wished to know of whom the Queen's Council was to be composed before he could bring himself to vote for any such Resolution,

Lord Kinnaird and the Duke of Chandos rose to speak at the same instant, which caused a conversation between Lord Derby, Lord Walsingham and Lord Sandwich, on the right of the Duke to speak first, which was ended by Lord Kinnaird's giving it up to the Duke of Chandos, who he considered to have a prior right to deliver his sentiments, on account of the debate turning on a question in which he was interested (the Household).

Duke of
Chandos.

The Duke of *Chandos* then rose, and spoke in support of the Resolution, and against the Amendment. His Grace delivered himself in most affectionate terms of the illness of the Sovereign, with whom he said he had lived in habits of respectful acquaintance for forty years. He assured their Lordships that he would much rather deliver up his office, which he was ready to do, than be suspected of being influenced by it in his vote: the emoluments of it were what he least considered; he had never connected himself with any Administration from the time he had first come into that House to the present moment. He had supported the present Administration from principle, and he knew them to be an Administration that had rendered the greatest services to their country. The Duke passed a warm eulogium on Mr. Pitt, and parodying what Mr. Pitt's father had said of General Wolfe, pronounced the present Chancellor of the Exchequer an heaven-born Minister.

The Question was then put upon the Amendment, which being rejected, the original Question was carried without a division.

The fourth Resolution was next put, disabling the Prince of Wales from interfering with the real or personal property of the King.

Lord *Loughborough* opposed it, upon the ground of the Resolution's conveying an indecent and unjust suspicion of the Prince of Wales, which ought not to be suffered to go forth to the public. His Lordship began a conversation on the sort of property belonging to the Crown, which was held *jure coronæ*, and on what was held otherwise.

Lord *Kenyon* spoke in support of the Resolution; the King, he said, had a right to transfer forfeited estates, his copyholds, &c. and it would not be fit that that power should be given to any other.

Lord *Loughborough* asked whether there was any noble Lord that would suggest the probability of his Royal Highness, without the limitation, attempting to sell any of his father's possessions? and if no such probability existed, where was the necessity for the restriction?

Lord *Radnor* spoke of Church Advowsons as a peculiar part of the property of the Crown.

The Lord *Chancellor* said, he could not consider the Restrictions as reflections on the Prince of Wales. If he considered them on the ground of necessity of providing against the Prince of Wales, he should give his vote against them all: for he was so confident of the goodness of his Royal Highness's heart, that were he to be entrusted with the most unlimited power, no degree of danger of an ill use of it might be expected. He begged their Lordships to remember, that in the discharge of their duty, they were not to consider of any respect due to this or to that person, but to decide as the occasion required; if they did otherwise they would do absolutely wrong. They were to consider the Resolution as applicable to a Prince of Wales, and to persons in general; they were to give to the new office to be appointed all essential powers, and no more than were essential. He did not suppose that any persons who might be about his Royal Highness would advise him to alter the real property of his father; he did not believe that if he was so advised he would follow the advice; nor did he believe he would do it of his own will: but notwithstanding he had so high an opinion of his Royal Highness, he felt it his duty to put every consideration of personal respect out of the case, and considered the Resolution as absolutely necessary and essential to the rights of the Crown.

Lord

Lord
Lough-
borough.

Lord *Loughborough* was still of opinion that it was unnecessary, and that it tended to nothing but a reflection upon the Prince, insinuating that, unless he was restricted, he would presume to dispose of his father's property. His Lordship said, it was considered as a libel if any person sent to another the commandment out of Holy Writ, "Thou shalt not steal," as it implied by the caution, that the person to whom it was sent was a thief; seeing the restriction in the same libellous light, he objected to it as an unjust and unwarrantable reflection upon his Royal Highness.

Lord
Chancellor

The Lord *Chancellor* said, the Resolution was not to be admitted as a personal restriction, but as a general provision.

The Question was then put upon the Resolution, and carried without a division.

The fifth Resolution, that relative to her Majesty's having the custody of the King's person, and the controul and management of the Household, was next read.

Lord
Rawdon.

Lord *Rawdon* immediately rose to move their Lordships to divide the Motion. His Lordship appealed to the Chairman for information what sort of Motion he ought to make to answer his purpose, which was to divide the Motion into three distinct Propositions, as it would be a matter of convenience to debate each separately and distinctly.

This gave rise to a desultory conversation relative to the sort of Motion that would be regular.

Lord
Lough-
borough.

Lord *Loughborough* said, if the whole proposition were put together, it would puzzle the debate, and perplex their Lordships in voting, because there might be some noble Lords who would vote for one part, and some for the first and last, leaving out the middle, that which gave her Majesty the power of removing and appointing officers. His Lordship therefore recommended that the motion might be divided as proposed by the noble Lord.

Earl
Bathurst.

Earl *Bathurst* said, being a Resolution sent up by the House of Commons, their Lordships could not divide it. The only question they could put, was to move, "that the Committee do agree to this Resolution of the House of Commons," and then any noble Lord who wished to get rid of any part of it, might move by way of amendment to leave out such and such words. If the motion had originated in that House, they would have had full command over, and might have divided it and subdivided it as they pleased.

Lord

Lord *Rawdon* again said a few words on the convenience that would result from dividing the motion. Lord Rawdon.

The Duke of *Richmond* argued against it; he thought the question by no means complicated or embarrassed; the second and third parts naturally followed from the first, and in his opinion the component parts went together; if the House thought they were improper, it would be right to divide the question. Duke of Richmond

Lord *Rawdon* said, he would move that the question be now divided. Lord Rawdon.

Lord *Loughborough* reasoned upon the manifest injustice of forcing any noble Lord to vote for the whole of the three Propositions connected together. He said, perhaps no person would object to the first Proposition, viz. that of committing the care of his Majesty's person to the Queen, but many might object very forcibly to the second part, and be extremely averse to putting the patronage of the Household into her hands, from a persuasion that it ought to go along with the other patronage annexed to Government.

The Lord *Chancellor* asked whether a motion had ever been known to be made in either House for dividing the question? For his part, he was ready to take it as a clear proposition, that the first and second propositions went together, and that the third naturally followed the two former. If any person thought the three parts were single and separate propositions, he might take the means of separating them, but he could not do it by a motion to divide the question. His Lordship said, it had fallen to his lot to have read a considerable part of the Journals of that House and of the other, and a motion to divide the question was a motion perfectly new to him, the regular question always being, "that these words stand part of this motion." Lord Chancellor

The Marquis of *Townshend* said, the motion appeared to him to be peculiarly complex; he wished to vote for one part, but not for another. Marquis of Townshend.

Lord *Loughborough* thought it a fair proposition, that a complex question be divided. Lord Loughborough.

The Lord *Chancellor* said, in what manner the noble Lords conceived it possible for the King to be placed in the hands of her Majesty, without giving her the superintendence and controul of the Household, was to him inexplicable. His opinion was, that all that belonged Lord Chancellor

belonged to the Household must at the same time, with the care of the King's person, be put under her Majesty's controul and management. There was no other way of preserving the King's dignity, but keeping him with all his royal attendants about him. If they separated the Resolution, they might as well proceed to treat the King as an ordinary individual, and put him out on board wages, or send him to one of those boarding-houses that take in unfortunate people. If they meant to abandon his Majesty in his present *bereaved* situation, let them act in that manner, and that indeed would be the only manner to make shift without the Royal Household going to the Queen, and then it would be in vain for that and the other House of Parliament to lose their time in inventing the means of preserving the rights of their Sovereign, and restoring him to his former power, and former splendor, for they might never expect a cure. Let the Committee remember, that the Queen was to have the care of her Royal Patient, not as a wretched being, destitute of friends, an obscure individual, without name, without honour, without reputation, forsaken by all the world, but as a King whom his people looked up to with loyalty and with affection, and with anxious wishes that he would soon be enabled to re-ascend his Throne, and again distribute blessings on his grateful subjects. His Lordship here said with great emphasis and energy, that he *claimed for the King* all the dignity that should attend a Royal Person who was sick, and who was entitled to every attention and every comfort that could be administered to him in the hour of his calamity, and who should *dare* to refuse his request? It would, and it ought, his Lordship said, to mortify the Queen, if the King was deprived of all the dignity that surrounded him, and turned over to her in an unfeeling and irreverend manner, destitute of attendance, destitute of every mark and token of Royal greatness. How must a wife of her Majesty's description receive a husband, under whose beloved shade she had for many years been protected and made happy? Was there a man who heard him, who possessed the sensibility common to every ordinary human breast, who did not sympathize with her Majesty's situation? He had heard indeed that from political speculations, doubts had been entertained with respect to the dignity that ought to surround his Majesty's person, but no man alive to the least sense of loyalty, alive to a principle of compassion, alive to any one generous feeling, could surely

venture

venture so far to forget what was due to their suffering Monarch, as to separate the second from the former part of the Resolution. He protested to God he did not believe there was a single noble Lord in that House who wished to strip his Majesty of every mark of royalty, and reduce the King to an *abject* and *forlorn* situation, while he was labouring under a misfortune equal to any misfortune that had ever happened since misfortune was known in the world. With regard to separating the second from the first part of the proposition, he reprobated the intention as a cruel idea, and exclaimed against it in terms of great animation, asking if ever calamity so shocking, if ever misfortune so severe, was suffered to excite so little compassion where so much was due? That King

Deserted in his utmost need

By those his former bounty fed.

His Lordship declared, the obvious feelings of mankind went so directly to the wish of paying every mark of reverence, respect, and attention to the Sovereign in his hour of his misery and misfortune, that he was persuaded the public would be shocked at the idea of that Committee persisting for a moment to hesitate, whether the King should be attended with the Royal Household or not. His Lordship pursued his theme in tones that in a peculiar manner overwhelmed the feelings of all who heard him, and before he sat down his emphasis became more governed, when he said, he desired not to be understood as intending, either by his argument, or the warmth with which his zeal had impelled him to deliver it, to preclude the debate, or bear hard upon any one of those noble Lords who had intimated a wish to separate the motion.

As soon as his Lordship sat down, Lord *Rawdon* rose and said, after having been in so extraordinary a manner alluded to by the noble and learned Lord, it was impossible for him not to rise and declare that he was exceedingly concerned at what he had heard; nay, he would go farther, and when he took notice of the extraordinary tone and manner in which the noble and learned Lord had delivered himself, he must attribute it entirely to the noble and learned Lord's intemperate zeal. There was not in that House a noble Lord who felt greater gratitude to the Sovereign than he did, or one who would be more ready to convince him of his zeal to serve him, should Providence permit him to resume his Royal functions.

But

But what, his Lordship asked, had he done to provoke the singular mode in which the noble and learned Lord had expressed himself? Candidly and abstractedly from all motives of faction or party, he had appealed to the House, on the suggestion of his own mind, and barely on the principle of conveniency. Ought he, his Lordship said, to be immediately attacked, and to hear it insinuated that he had acted in an irreverend manner? The expression, it was true, had been retracted as soon as it had been made; but he must contend that it ought not to have been used at all; and he must inform the noble and learned Lord that he *would be* given the same credit for candour in that House, that he had at all times given the noble and learned Lord. In the further discussion of the subject, his Lordship said, he must request that the passions might not be appealed to, and he claimed for himself that same sentiment of respect towards his Majesty, which the noble and learned Lord had claimed on the part of the defenceless situation of the King. He had, his Lordship said, advised, whenever he could take the liberty of advising, that the utmost moderation and temper might distinguish the course of the future proceedings, and he was persuaded they would all profit by it, were his advice followed. His Lordship then moved to leave out the second part of the Motion, saying, that by so doing he did not mean that no other provision should be made, but because he thought he did his duty to the House by moving that the words be left out.

Lord Chancellor The Lord *Chancellor* took notice of what Lord Rawdon had suggested of his having retracted what he had said, and denied that he had either retracted, meant to retract a word, or retract a syllable, because he was persuaded he had not said a syllable that he had any occasion to retract. He declared he would repeat what he had said when last on his legs, addressing it as he had done before to the House at large and the Committee conjointly, and not to any individual Lord on either side the House. His Lordship here re-affirmed his opinion, that the Committee would shamefully neglect their duty, and leave the King in that destitute and wretched situation that he had described, if they separated the second part of the Resolution from the first, and did not accompany the trust of the Royal Person in the hands of the Queen, with enabling her to discharge that trust, by putting the Royal Household at the same time under her

her direction and controul. Till the particular word which he had been supposed to have retracted was specified, therefore, he hoped it would not be thought that he had retracted any words whatever.

His Lordship admitted, with regard to the motion, that there was nothing more fair than to move to leave out words in a motion, but he had never heard of moving to leave out words, unless it was first declared, that the mover meant to substitute better words, and put the House or the Committee in possession of the amendment regularly, before the person proposing it attempted to clear the way for it.

Lord *Stormont* rose and said, that he considered the expression of “those his former bounty fed,” as peculiarly addressed to him. Lord Stormont. He had, indeed, he owned, enjoyed the highest honours, and passed the most considerable part of his life in the possession of the greatest emoluments from his Majesty; and therefore he might be supposed to have been one who came under that description, and had shared the greatest part of the Royal bounty. But those honours, and those emoluments were not, he conceived, now repaid with ingratitude. He would say with the noble Secretary of State, he loved his Majesty, he loved the Prince of Wales, but he loved more the Constitution. This declaration was made in the presence of some of the Royal Family, and he would not scruple to make it before his Sovereign, if he should ever be restored to his presence again. He begged their Lordships to consider what might be the consequence of the division of power proposed. There might be competition, and, however delicately he might wish to speak upon the subject, sparks might arise which would kindle in a flame. He instanced the case of Cardinal Richlieu, who ingratiated himself with the mother Queen, and caused a variance between her and her son. The person intrusted he thought with the King’s custody, ought not to have the disposal of his Household. It was cruel to throw her Majesty upon a sea of politics without a rudder, chart, or compass. No man had ever yet ascribed to her any political interference whatever. If any word should escape him which might be made to bear any tendency to reflect on the Lords of the Bedchamber, or of the Household, his Lordship disavowed having entertained any such intention. He knew all those noble Lords in
that

that House, and had been honoured with the friendship of many, particularly with that of the noble Duke, [the Duke of Chandos] whom he could not but admire for the manliness with which he had delivered his sentiments on the present occasion. His Lordship then adverted to the famous Bill to diminish the influence of the Crown, and said that he thought the premises unfounded; but allowing the premises, the conclusion was irresistible: if those powers were unnecessary, take them away. If those in the present case, whose general opinion was to support the Administration, be it what it might, were willing to consent, in this instance, to so much patronage being taken from the Crown as that of which it was now about to be deprived, they were guilty of a monstrous solecism in politics. People who accepted places ought to quit them, and not enter into a systematic opposition, because that would be turning into the bowels of Government what was meant for its defence. Though personal distinctions were disclaimed, Gentlemen had sometimes relied upon them, and it had been asked whether the division of power between a mother and son would not tend to produce bad consequences? His Lordship observed, scarce a single instance in history had occurred of power being divided between a mother and a son from which mischief had not ensued. The Queen might have ill advisers. In saying that, they might indeed go near to direct a censure against themselves, for as yet they were but striking in the dark. Who her advisers were to be, his Lordship knew not; but she certainly might have powerful advisers in Council. They might persuade her that she could not render a greater service to her son, and to the country, than by attempting to rescue the Prince himself from such pernicious hands as those in which he placed his confidence. Nothing, he said, could strengthen the Opposition like a weak Government, and from the intended division of power he expected to see the standard of Opposition erected in the centre of the Queen's Palace. It was asked, will you leave the King in that miserable destitute situation, without his Household Officers? Gentlemen, his Lordship said, had raised a shadow, had given it an hideous form, and combated the shadow they had raised. Those officers were attendant on the King only when he was the representative of Majesty. Would it not seem taunting to attempt

to sustain such an idea at the present moment? Would not the places of the Household Officers be mere sinecures? The question therefore was, whether the dignity of his Majesty would not be better kept up by the idea he had professed, than by the hideous idea of the King's being unhappy on his restoration to health, at beholding new Officers of the Household? His Lordship said those officers, who were removeable at the will of one person, and not of another, lived at present like the gods of Epicurus, with great splendour and hospitality; some in town, and some at their seats in the country. A distinction had been made between the political and the household servants of the Crown; but this was a distinction without a difference. Let gentlemen give a definition of a political servant which does not apply to the Lord Chamberlain or the Lord High Steward. The Statute Book on the table would prove, that in the reign of Henry VIII. they were both called Great Officers of the State. Were not those, he would ask, political servants? Was it intended to deprive the Regent of the right of naming his Majesty's chaplains? Did not that properly belong to the office of the Lord Chamberlain? It was said that we must provide against the exigency of the case. But this ought not to be by dividing the Royal powers between the Prince and the Queen, and setting the son at variance with the mother. The Romans never provided against parricide, because they thought no child could be so unnatural as to be guilty of the crime. But this was the worst of parricide. He declared fairly, that he had not conceived such a plan was possible to have originated in the present Administration. Little did he ever conceive that a Right Hon. Gentleman, with whom he had not the honour of being personally acquainted, would have acted so differently from what might have been expected from ingenuous youth, bright talents, and increasing fame. He had imagined that the Gentleman alluded to would rather have exclaimed, let the tide of Royal power roll on with undiminished stream from father to son, from King to Regent! It shall devolve whole and entire from the Crown to its representative.

His Lordship asserted that he considered the Royal powers and authorities as a weight in the balance of the Constitution; when Gentlemen diminished that weight, they altered the balance. It had been said by one set of persons, that if they were in Admini-

stration, they would conduct themselves as they had hitherto done, but that, as the case at present stood, they would be careful and vigilant in watching the power of the Regent; that if public measures succeeded they would rejoice, and that the comparison between the government which they had conducted, and that which was to be conducted by their adversaries, would now more obviously appear. But his Lordship observed there could be no comparison if they crippled the Government. He would only suggest to the House the consequences of a fettered, weak and debilitated Government, which had the power of calling for services that could not be vigorously exerted. He was surprised to hear a noble Lord, when surrounded with newly created Peers, declare, that the wax was scarcely cold before they had suffered the impression to be obliterated. Let the House conceive the consequences likely to arise, if a King on recovering from his sickness, finds that the former Government had been weak and defective. He was proud to acknowledge himself to be one of those whom that King's "former bounty had fed;" but he would not have to tell him, upon his restoration, that to shew his attachment to his Majesty he had consented to cripple the Government of his son; a Government to be prosperous must be strong; and it was not probable that the King would consider it as no offence to have put such measures into execution as tended to prevent the prosperity of the Regent; a father might, from a sense of his own dignity, from considerations of personal rank, from other motives, bring himself to pass by and look down upon an insult that was offered to him; but he appealed to every noble Lord, who, like himself, had the happiness to be a father, if a parent ever resented any thing more pointedly than an injury committed against his son; and when wounded in the person of his son, resentment and indignation assumed a fairer and more animated form, and almost deserved the name of virtue.

Lord Chancellor The Lord *Chancellor* spoke in reply, and insisted upon it that it was altogether unusual to move to leave out words, without substituting other words in the room of them. He declared, nothing like an argument had been advanced to prove that her Majesty ought not to have the direction of the Royal Household, to enable her to discharge her trust of the care of the Royal Person. His Lordship maintained that the Lord Chamberlain, Lord Steward, and Master of

of the Horse, although they were undoubtedly great Officers, were nevertheless intimately connected with the interior of the Royal Household, and necessarily a part of it. He combated the arguments Lord Stormont had advanced relative to the dissensions in the Royal Family, and spoke of the unimpeached character of the Queen, who had not only acted well, but so well as never to have been even suspected, but to have escaped the breath of calumny, for eight and twenty years together, as the best security that the Patronage of the Household should not be abused or perverted to party purposes.

Lord *Loughborough*, after having laid it down as an undeniable principle, that the giving the Queen the patronage of the Household, and furnishing her with a Council, would create a certain degree of secret influence, highly prejudicial to the stability of Government, to its vigour, and to its efficacy, proceeded to point out the mischievous operation of it in a variety of possible instances. As a proof of the effect of secret influence, he instanced the disgrace of the Duke of Marlborough, who had raised the glory of this country to a most exalted pitch, by his many victories in Flanders, and was just on the point of entering the provinces of Old France, triumphantly at the head of his allied armies, when his career was stopped, the progress of his successful arms arrested, and he himself deprived of his command, through the intrigues of a Bedchamber woman to Queen Anne. Thus, what the abilities of a Harley, the fascinating powers of a St. John, and the laborious industry of an Harcourt, would have been exerted to no purpose, if there had not been a Mrs. Masham, who, by her secret influence with the Queen, was able to effect that which the powerful armies of Louis the XIV. had found it impossible to accomplish. He alluded to the historical fact stated in a former debate, by a noble friend of his (Lord Hawkesbury) of the circumstance of Louis XV. being brought, when an infant of five years old, to hold a *Lit de Justice* in the Parliament of Paris. His noble friend, if he had turned his eyes to a few years preceding that transaction, in the history of the same country, he might have collected an argument against the mischievous system which the present Resolutions were calculated to establish. Louis XIV. towards the close of his life conceived a dislike to his nephew, the Duke of Orleans, and wishing to aggrandize his own natural son, the Duke de Maine, by his will left the

Lord
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administration of public affairs to the Duke of Orleans, and the controul and management of the Household, together with the custody of the King, to the Duke de Maine. Before his death, the King told the Duke of Orleans, that he had left him every thing to which his high birth entitled him. The will was duly registered in the Parliament of Paris ; but when Louis XIV. died, the Duke of Orleans, (who was become presumptive heir to the infant Louis XV. by the renunciation of the Duke of Anjou, then King of Spain) claimed the Regency, with all the powers and authorities that of right belonged to it. The Parliament, as a celebrated writer of that day observed, felt itself to be in an awkward dilemma. It saw the danger of giving full powers to a presumptive heir ; it saw also the absurdity of placing the Regent at the head of the Government, and at the same time separating from it the patronage and influence arising from the management and controul of the Household. Both were obviously evils ; but the Parliament, wisely weighing all the difficulties of the case, preferred the lesser evil to the greater, and set aside the late King's will, revoked every limitation, and invested the Regent with all the powers and authorities of the Crown. His Lordship reasoned upon this transaction, as elucidatory of the opinion of other countires, upon the evil consequences, which they considered as the probable effect, of a Government wherein a part of the necessary power was separated from the executive authority. His Lordship dwelt with great emphasis on the mischiefs likely to result from the setting up two Governments (for such he considered the giving the Queen a large portion of patronage, and a Council to be in effect) ; and pursued the train of probable inconveniencies through a variety of different hypothesis. He put the case of a Loan to be raised, in which the public credit would necessarily be involved ; the case of negotiations carrying on with continental powers ; the cases of Commanders employed on foreign service, and the case of a public delinquent, publicly arraigned. In the first case, the Loan, he said, might either be defeated altogether, or the nation highly inconvenienced by the increase of terms occasioned through the intrigues of the second part of the Government. In the second case, that of foreign negotiations ; the Ambassadors employed on such services would act a double part, and intrigue with one Council, while they were treating with another. In the third case,

case, that of the Commanders on foreign service; Ministers might not find themselves able to support them, being deprived of the means of distributing due rewards, or of screening and rescuing them from party attacks, their authority would be inefficient, and the Commanders would find themselves obliged to pay their Court to the Queen's party, as a necessary shield against the weakness of their employers, and the power of that junto, who ought to be considered as the opposers of those employers. In the last case, that of a public delinquent, experience drawn from our own history towards the end of Queen Anne's reign had proved the possibility of the ends of public justice being defeated by the influence of a powerful party acting in hostility to the views of executive Government. Among abundant instances of the idle reasoning adopted as an argument in defence of putting the patronage of the Household into the hands of the Queen, viz. that the King would feel his mind disturbed when he awakened from his trance, and recovered from his dream, if he saw that his domestic servants had been removed from about his person, his Lordship put the case, that his Majesty's incapacity had taken place some years since, and that his Majesty had come to himself a few years ago. In that case, his Ministers, when admitted to their first audience, would have laid this sort of information before him. "Your Majesty has lost thirteen colonies, but—your palace stands where it did. Millions of national debt have been accumulated, but—your Lords with White Staves stand where you left them. Much of the best blood of your subjects has been spilt, but—your Lords of the Bedchamber are still the same. Many calamities have happened in consequence of the weakness of Government, occasioned by the prevalence of secret influence, (and during the continuance of the American war, much secret influence, his Lordship said, had been exerted), but, be not concerned at this, your Lords of the Bedchamber, your Gentlemen Pensioners, your Beef-eaters, are still the same. Look into the red book, and you will find it just as you left it." His Lordship put this pointedly, and, after much farther argument on the absurdity of pretending, that so insignificant a circumstance as the possible uneasiness of the King, on his recovery, at not seeing his superior Household Officers around him would afflict his Majesty, his Lordship noticed the words of the Resolution, which stated, that her Majesty was to have a Council of Advice.

vice. Before the Committee was called upon to vote the whole Resolution, his Lordship thought, in common decency, they ought to have had the intended Constitution and powers of the Council in question opened to them; but not a single word of explanation had been thought proper to be said on the subject by those who had brought forward the Resolutions. Noble Lords, therefore, were obliged to argue in the dark, upon no very immaterial part of the Resolution before them; but mysterious and unexplained as the nature of the intended Council was left by Ministers, it was sufficiently obvious, that the evils he had endeavoured to describe as likely to flow from it, might and probably would follow from the establishment of a Council connected with such a possession of power, held separately and distinctly from the executive Government. Before he sat down, his Lordship said emphatically, than when, from better health he should be better able to address their Lordships more at length, he should be ready to meet the noble and learned Lord on that question, which he had said, in his speech of the preceding day, was gone he knew not how: that it was not to be found in that Protest (to which his Lordship said, his name appeared, with those of many more noble Lords, of more weight and authority than he could pretend to) and that it had of a sudden vanished. He meant, he said, the question of the Right of his Royal Highness the Prince of Wales to the Regency, during his father's incapacity to exercise the Royal Authority; a question which he had neither abandoned, nor wished to shrink from, but should be ready to discuss whenever it could properly be rendered the topic of debate.

Lord Chancellor The Lord *Chancellor*, in his reply, charged the noble and learned Lord with having mistated the case of the Duke of Marlborough's disgrace, that event having been produced by the influence of a favourite at Court, and not by the operation of any supposed secret influence lodged in hands separate from the executive authority; it could not, therefore, in fair argument, be admitted to bear any analogy to the supposed effect of giving her Majesty the sole and undisturbed management and controul of the Household. With regard to what the noble and learned Lord had said, on the subject of public delinquents being able to evade the justice of their country, through the protection afforded them by party influence of any description, his Lordship said, God forbid he should live to see the day
when

when the administration of public justice depended upon party influence! He trusted the country would never suffer such humiliation and disgrace; base and scandalous must that man be who would owe his safety under a public prosecution to the undue interposition of any party whatever. He was confident that the gentleman at whom so foul a suspicion might be supposed to glance, would disdain such a refuge.

Lord *Loughborough* said, from what had fallen from the noble Lord and learned Lord at the close of his speech, it was evident the noble and learned Lord had forgotten that he had stated the case of a public delinquent in the reign of Queen Anne.

The Duke of *Richmond* asked Lord Rawdon why he had not condescended to state to the Committee the words which he meant afterwards to substitute in the place of those he had moved to have left out of the Resolutions, since, without such information, their Lordships were left entirely in the dark as to his object; a mode of proceeding which, he must take the liberty of saying, was by no means either Parliamentary or regular. The Duke, among various other points which had been stated on one side in the course of the debate, and casually omitted to be answered on the other, took notice that the noble and learned Lord who spoke last, as well as other noble Lords, had complained of the Council, with the advice of which her Majesty was to be assisted, not having been explained to the Committee. This complaint, his Grace said, was owing to their Lordships having overlooked the consideration that they ought not to confound the principle of a measure with the detail of the mode of its being carried into effect, two matters that ought always to be kept distinct. The Resolutions before the Committee, contained the principles upon which their Lordships were called upon to decide as to the limitations and restrictions, which public expediency required Parliament to impose on the Regent, under the present circumstances of a probability of his Majesty's recovery and return to his Government. The Bill to be brought in upon those principles would necessarily contain their detail, and in that Bill there would, he presumed, be clauses defining the Constitution and powers of the Council, to be provided to advise the Queen in cases of emergency. Their Lordships, therefore, with a little patience, would, in due time, know all the particulars relative to the Queen's

Council. His Grace argued against the probability of her Majesty's exercising her power over the Household politically against the government of her Son, the Regent, and said he thought her Majesty's unexceptionable conduct hitherto (noble Lords who had spoken that day having allowed that her chief claim to praise was her having never interfered in political concerns) was at least no bad ground of expectation that she would persevere in the same line of unspotted conduct that she was allowed on all hands hitherto to have pursued. He lamented that an idea of her Majesty's having any thing to do with politics had been started, declaring that those vile instruments of scandal, the newspapers, had upon that grounded their right to consider the Queen as a political character, and had from that moment treated that great and amiable Personage with a degree of grossness shocking to every man possessed of the least feeling, or the least delicacy. His Grace declared the licentiousness of the public prints had increased of late to such a degree of profligacy that it was evident they must be encouraged and supported in their calumnies, or they never would dare to go the length that they did every day; he called therefore upon the noble and learned Lord to explain what he alluded to, when he mentioned the possibility of a public delinquent's escaping justice through the hidden operation of secret influence; and he did so the more earnestly, because if left unexplained he was sure those vile pests of society, the daily papers, would pervert it to some slanderous purpose.

Lord
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borough.

Lord *Loughborough* concurred with the noble Duke in his condemnation of the gross calumny of newspapers. It had, he said, been his lot to have been calumniated, as it had been the lot of the noble Duke to be slandered by the same means; and he, like the noble Duke, had acted in an open manly way, and resorted to the laws of his country for redress. If every man would do the same, the evil would at least be checked, if not prevented. He did assure the noble Duke he had not contaminated his hands with any connexion with a newspaper. He disdained to taint his character by any such connexion. Formerly newspapers contained effusions of wit; candid remarks, and such matters as ingenuous minds might delight in; but of late the common contents had been dull, uninteresting narrative, or violent abuse, dark and malignant insinuation, and foul calumny and aspersion. The reason obviously was, the im-

punity

punishment with which such liberties were suffered to be taken with individuals, and the gross and vulgar appetite of the public for scandal. His Lordship added more of pointed animadversion on the same subject, and in compliance with the noble Duke's requisition, informed him that the public delinquent, to whom he had alluded, had been Dr. Sacheverell.

A general cry of *Question! Question!*

Lord *Kinnaird* began by assuring the House that at that late hour, and with the impatience exhibited of coming to the question, he should not trespass on their patience; for though, at an earlier part of the evening, he had intended to have requested their indulgence, that he might deliver his sentiments at some length, yet their Lordships would recollect the circumstance which had prevented him, and would give him credit for having given the noble Duke the opportunity of stating to their Lordships his personal feelings on this part of the plan proposed; for however anxious he felt himself to have an opportunity of stating, in explicit terms, the grounds of his conduct on this occasion, yet the question had been so fully and so ably argued by the noble Lords near him, that little had been left for him to state, which had not already been conveyed to their ears in language so forcible as made him hope it had found its way to their hearts—but, in the present stage, he should refrain from even stating that little, and confine himself directly to answer the questions which the noble Duke, who had just sat down, had put to his noble friend (Lord Rawdon). The noble Duke had asked why his noble friend had not condescended to state to their Lordships the words which he meant afterwards to substitute in the place of those which he had moved to be left out?—as without such information they were left in the dark as to his purpose. Was it meant or intended to give her Majesty the care of the King's person without the means to execute that trust? In answer to this, their Lordships must permit him to recall to their recollection the manner in which every step of this important business had been conducted. Could they forget that a fortnight ago their Lordships had been called upon to vote, and had actually voted a proposition, to which little or no explanation had been afforded them? And why, because it would not have suited the policy of these measures.

Lord
Kinnaird.

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He informed their Lordships, he meant the proposition, stating that for maintaining entire the constitutional authority of the Crown, they were to devise certain means, &c. What were they now desired to agree with the Commons in? Why, to split, divide, and suspend that authority, and thereby to render it of as little efficacy as possible to the State. Did they consider gravely what they were about to do? To exercise the noblest functions that could appertain to their situation as Legislators, to vest the government of a great country, for a limited time, in other hands than those which had the indisputable right to it, impelled to this act from the dire calamity of inevitable necessity? But though they might appoint the person who was to conduct the reins of Government, had they any right, in their present state, to change or alter the nature or principles of the Constitution? The Government must be permanent; and whatever extent of powers that and the other House might arrogate to themselves, they would, by any attempt of such a nature, exceed the bounds of their rights, as well as of their duty. But he found himself getting into the argument; and however he might wish for an opportunity so to do, he would fulfil his promise, and at that moment refrain, and with the less reluctance, as an opportunity would still be afforded him, when the provisions of the Bill came before their Lordships, at which time he trusted they would adhere more closely to the maxim which had been laid down by many of their Lordships, the propriety of which was admitted by all, but adhered to scarcely by any. He meant the abstaining from personal allusion to the character of any of the august personages so peculiarly interested and affected by the subject under discussion. *A* and *the* were minute particles; nevertheless, the adhering to the true distinction between which was materially necessary to the propriety, as well as the freedom of the debate. At present they were debating on the principle of a Bill or Bills hereafter to be produced, and that by general resolutions (a mode he could not help thinking very unfair and improper,) and therefore his noble Friend had been obliged to adopt the amendment he had suggested, in conformity to the plan on which all this business was founded. If it was a bad one, the noble Duke must impute the blame to those who suggested it. His noble Friend wished their Lordships to decide, in the first instance, on the propriety of placing the care of the King's person in the Queen's hands. Why did his Grace, or any other person, suppose, that it was meant to vest

so

so important a trust in her Majesty's hands, without affording her the means of executing it in a manner becoming the sacredness of the person entrusted, and of her Majesty's exalted station—but the noble Duke did himself explain and answer all this difficulty, by stating to their Lordships, that all these resolutions being only on general principles, would receive their full explanation by the provisions of the Bills, when they should appear. In like manner would his noble Friend's plan be amply explained; for sure neither the noble Duke, nor any other noble Lord, had a right to demand from his noble Friend, or the other Lords on this side the House, explanations, when they themselves had so studiously avoided giving the House satisfaction as to their plans; but had drawn their Lordships into the adopting of measures by piece-meal, which, had they viewed at once, their judgment must have revolted at. As to what his Grace had said respecting the licentiousness of newspapers, that had been fully commented on by a learned Lord near him, in a manner suited to the dignity of his station, and with his usual ability.

A noble Lord having very early in the debate misconceived the intent and purport of what fell from a Right Reverend Prelate the preceding day, he could not sit down without endeavouring to set that matter in its true point of view. That Right Reverend Prelate had, in a speech delivered with such ability and power of argumentation, as could not fail to carry conviction home to their minds, and which had remained unanswered, because in his judgment it was unanswerable, taken notice of certain unjust prejudices which were vulgarly entertained concerning the conduct of certain persons in that House; and amongst others, the Scotch Lords and Bishops; from which unjust imputations, that Right Reverend Prelate did, with his usual ability, endeavour to rescue them, and of which he did, in direct terms, express his disapprobation; and no other conduct could have been expected from him, who had laid the whole Scottish Peerage under such obligations by an exertion of his powerful parliamentary talents in that House, at a moment when they were in danger of being deprived of some of their dearest rights and privileges.

The Committee divided on the Amendment, when the numbers were, (that the words, moved to be left out, stand part of the Question) *Contents* 94, *Not Contents* 68.

The main Question was then put and agreed to.

The House having been resumed, the Report was brought up, the Resolutions read, and the Amendment of the words "for a limited time," moved to each, and negatived.

All the Resolutions were then read and agreed to.

Saturday, Jan. 31.

Earl *Bathurst* sat as Speaker for the Lord Chancellor, who was indisposed.

Answers of the PRINCE of WALES and the QUEEN.

Soon as Prayers were over, the Lord President of the Council read the Answer which his Royal Highness had been pleased to give to the Address from both Houses of Parliament. As soon as the Earl had read the contents of the Prince's Answer, it was repeated audibly by the reading Clerk, and was as follows:

" My Lords and Gentlemen,

" I thank you for communicating to me the Resolutions agreed
 " upon by the two Houses, and I request you to assure them in my
 " name, that my duty to the King my Father, and my anxious con-
 " cern for the safety and interests of the people, which must be
 " endangered by a longer suspension of the exercise of the Royal
 " Authority; together with my respect for the united desires of the
 " House, outweigh in my mind every other consideration, and will
 " determine me to undertake the weighty and important trust pro-
 " posed to me, in conformity to the Resolutions now communicated
 " to me. I am sensible of the difficulties that must attend the exe-
 " cution of this trust, in the peculiar circumstance in which it is
 " committed to my charge; of which, as I am acquainted with no
 " former example, my hopes of a successful Administration cannot be
 " founded on any past experience. But confiding that the limita-
 " tions, on the exercise of the Royal Authority, deemed necessary
 " for the present, have been approved by the two Houses only as a
 " temporary measure, founded on the loyal hope, in which I
 " ardently

“ ardently participate, that his Majesty’s disorder may not be of long
 “ duration; and trusting, in the mean while, that I shall receive a
 “ zealous and united support in the two Houses, and in the nation,
 “ proportioned to the difficulty attending the discharge of my trust
 “ in this interval, I will entertain the pleasing hope, that my faithful
 “ endeavours to preserve the interests of the King, his Crown and
 “ People, may be successful.”

Lord Waldegrave then read the Answer given by her Majesty the Queen, to the message of the two Houses, which was afterwards repeated by the Clerk, and was as follows :

“ My duty and gratitude to the King, and the sense I must ever en-
 “ tertain of my past obligations to this country, will certainly engage my
 “ most earnest attention to the anxious and momentous trust intended
 “ to be reposed in me by Parliament. It will be a great consolation
 “ to me receive the aid of a Council, of which I shall stand so much
 “ in need, in the discharge of a duty, wherein the happiness of my
 “ future life is indeed deeply interested, but which a higher object,
 “ the happiness of a great, loyal, and affectionate people, renders still
 “ more important.”

Lord *Southampton* rose as soon as the reading Clerk had finished, and moved that the Answer of his Royal Highness the Prince of Wales be printed; that the public might be apprized of the sentiments and principles of his Royal Highness. Lord South-
ampton.

Lord *Hawkesbury* said a word or two about printing all the papers, and then Lord Hawkes-
bury.

The Earl of *Radnor* regularly moved, that her Majesty’s Answer might also be printed. Earl of Radnor.

Both Answers, with the Addresses containing the Resolutions submitted to the Royal Personages, were ordered to be printed.

The Bishop of *Worcester* (in the absence of the Archbishop of Canterbury, who was withdrawn to robe) moved for the thanks of the House to be given to the Lord Bishop of Lincoln, for the sermon by him preached in the Abbey Church, Westminster, on Friday the 30th of January last, and that he be directed to print the same. Bishop of Worcester

ORDER FOR COMMISSION TO BE ISSUED TO OPEN THE SESSION
OF PARLIAMENT.

The Order of the Day having been read, that the Lords be summoned, and that the House resolve itself into a Committee on the State of the Nation,

Lord
President.

The Lord *President* rose, and began with reminding their Lordships of the several progressive steps they had taken, which naturally led to the important crisis of their carrying up the Resolutions voted by the two Houses to his Royal Highness, whose gracious Answer their Lordships had just heard, and which could not but give the House general satisfaction. Much, his Lordship observed, might be said, on what had occurred in the progress of their proceedings, but as the great step of ascertaining his Royal Highness's determination, as to acceptance of the Regency on the conditions expressed in the Resolutions, had been taken, it was unnecessary for him to add a single syllable upon what had passed, and therefore he would quit that part of the subject. The next necessary step to be taken fell under the second Resolution, that by which the House had decided, that it was necessary to determine on the means whereby the Royal Assent may be given in Parliament to such Bills as may be passed by the two Houses, respecting the exercise of the Powers and Authorities of the Crown, in the name and on the behalf of the King, during his Majesty's indisposition.

The business of that day, therefore, was to open what the measure was, by which his Majesty's Ministers proposed to carry those means into effect, in order to *appoint* and *elect* a Regent. That explanation it was his duty to make, and he begged to be understood as having undertaken it, under the impression of a thorough conviction that, amidst a choice of evils, the means he should propose appeared to him to be least objectionable and most fit to be adopted, because the most reconcileable to the principles of the Constitution; but, that what he had to propose, he submitted with great deference to their Lordships better judgment. He was open to conviction, and should be ready to adopt a better mode of proceeding if a better mode could be suggested. His Lordship said, he was aware that the means that had already been more than hinted at in debate, by which, under
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the practice of the Second Resolution, it was intended to proceed to open the Parliament, and to rescue the two Houses from their present maimed and imperfect state, and to rescue the country also from the miserable condition in which it had so long remained, and of which the people began to feel the effect and to complain, viz. that of having no Government whatever, had been made the subject of much ridicule. It had been called a phantom, a fiction, and by a variety of other contemptuous names; if there should be those, however, who should object to the proposition he had to offer, he thought it right to declare, that he held it to be the duty of the persons who so objected to suggest the mode of proceeding that they thought more expedient, more wise, and more practicable. The delay that had already taken place from various unavoidable causes had revolted the public mind; the people were impatient, and justly so, for a restoration of the Constitution to its complete form, that of three estates, from the co-operation of which the Government derived its energy, and all its operations proceeded with vigour and with effect. In the present melancholy situation of affairs, his Lordship said, the incapacity of his Majesty to exercise the Royal functions was severely felt. It was necessary that Parliament should interpose its authority; but Parliament could not take a single step, circumstanced as it was, at present; without the King, it was a mere headless trunk; perfectly inanimate and incapable of acting, no legal step could be taken by the two Houses that assumed the character or aimed at the efficacy of legislation, without the King at their head to substantiate the act, and give it constitutional currency. The King must be upon his Throne in that House, or by some means or other signify his sanction to their proceedings, or notwithstanding the steps they had already taken, all their time would have been wasted, and all their pains thrown away. After what had passed, the first step that was next to be taken, was to open the Parliament, and to do it by the King's authority. The law declared, that in one mode or other, the King must be there to enable them to proceed as a legislative body. That his Majesty, from his illness, could not attend personally, was a fact too well known to be disputed. The next consideration, therefore, was, by what means the King exercised his Parliamentary Prerogative, when he did not exercise it personally. The legal and constitutional mode was, his Lordship said, by issuing
Letters

Letters Patent under the Great Seal. In the present dilemma, consequently the most safe means of opening the Parliament was, by directing Letters Patent to be issued in the King's name under the Great Seal, authorizing a commission to open Parliament in the name of his Majesty. If there were any other means, he hoped those who really thought so, would have the goodness and the candour to suggest them. He must, however, take the liberty of saying, that those who treated the means he should propose, with ridicule, were ignorant of the laws of their country. A fiction those means might be termed, but it was a fiction admirably calculated to preserve the Constitution, and, by adopting its forms to secure its substance. This fiction, in the first place, kept the Throne entire, if the King should be living, but, in his natural character, incapable of exercising the Royal Authority. Secondly, no Bill that had not the King's name at the head of it, and therefore purported to be of Royal Authority, could have a legal effect, a deficiency which this fiction would cure. Thirdly, if a King should, for a time, be deprived of the power of exercising his Royal prerogatives personally, either from not being of age, or from being rendered incapable of attending Parliament from illness or any other cause, on his return to his powers of action as a Sovereign, he would see all his prerogatives had been carefully preserved, and that they all stood minuted down upon record. His Lordship remarked that a Sovereign's sentiments were known only by record, and reasoned upon the absolute necessity of issuing a Commission to open the Parliament, and if that ground were admitted him, which, he conceived, could not well be denied, he asked, by whom was a Commission, such as he had described, to be directed? Would it be said, that his Royal Highness the Prince of Wales could command the Lord Chancellor to put the Great Seal to such a Commission? His Royal Highness had not the smallest pretence to assume such an authority; both Houses had recently voted that the Prince had no such right. Would the Lord Chancellor himself venture to do it by his accord? Undoubtedly he would not. The Commission must be issued by some authority, and being once issued, with the Great Seal annexed to it, it must enforce obedience. If their Lordships, or any of them, thought the mode, that he meant to propose, an inexpedient one, they were bound to suggest some other method of doing it; and if what they should

suggest

suggest should appear to be a better mode, he declared, he for one would be ready to adopt it. He thought it was in the power of the two Houses to direct the Great Seal to be put to the Commission, and in their power only. After expatiating on this point at some length, his Lordship remarked, that the Great Seal was the high instrument by which the King's *fiat* was irrevocably given; it was the mouth of Royal Authority, the organ by which the Sovereign spoke his will. Such was its efficacy and its unquestionable authority, that even if the Lord Chancellor should put the Great Seal by caprice to any Commission, it could not be afterwards questioned; though a misdemeanour in effect, yet it could make Letters Patent of such validity; that the Judges themselves could not call them in question. If an Act of Parliament passed by authority of a Commission issued under the Great Seal, and was endorsed with a *Roi le veut*, it was valid. It must be received as a part of the statute law of the land, and could not be disputed. His Lordship enlarged on the admirable operation of this phantom, or fiction, as it had been termed, and reminded the House, that they had already gone so far, that they could not go back; they must either resort to the fiction, that had been treated with so much ridicule and contempt; or they must resort to something else. He was aware that it had been said, that it had been a proceeding of barbarous days. Undoubtedly the precedent was to be looked for in the reign of Henry the Sixth, but he begged the House to recollect, that it was those barbarous ancestors who made the Constitution. It was to them that we owed the Common Law of the land, which had been handed down from age to age, invariably from their time to the present period. It was upon them that Lord Coke had founded himself in every part of his works. The present race, therefore, would betray great ingratitude if they forgot their obligations to the reign of Henry the Sixth, a reign in which, as sound lawyers, as able statesmen, and as honest magistrates lived as in any subsequent period of our history. They were not, perhaps, as well read in Latin and in Greek, and as much familiarized with the luxuries of the present times, as our lawyers were, but it was not, therefore, to be supposed, that they did not possess as sound understandings, were not gifted with as much good sense, and had not as clear a conception of the Constitution, its principles and those of the law, as both then stood, as any lawyers at any period.

Earl
Fitzwil-
liam.

His Lordship said he adverted to the first twenty years of Henry the Sixth, than which there never was a period of greater tranquility and peace. In illustration of his argument, his Lordship recapitulated all the events (so often stated in both Houses during the discussion on the subject of the Regency) of the Lord Chancellor of that day, surrendering the Great Seal into the hands of the infant King, its being afterwards taken by the Duke of Gloucester and other great men, and committed to the custody of the Master of the Rolls, who was directed to put the Great Seal to a variety of commissions, &c. the Duke of Gloucester's conduct, the mode in which Parliament assembled, the authority under which it from time to time acted, the part taken by the Duke of Bedford, &c. &c. After circumstantially entering into the detail of all these historical facts, and reasoning pertinently upon each, particularly observing that Henry the Sixth was incapable of putting his sign manual to the commission for calling the first Parliament that assembled in his reign, or writing his signature, as his Majesty was at present. The Lord President, before he sat down, said, he thought it fair to apprise their Lordships that at a subsequent opportunity, when the Bill appointing a Regent (and enacting the limitations and restrictions which the two Houses had already agreed on, and had communicated to his Royal Highness) should have gone through all its forms in the two Houses, it would be necessary to affix the Great Seal to another commission, giving the Royal assent to such Bill. The mention of this second commission brought his Lordship to a renewal of his reasoning in proof of the absolute necessity of having recourse to some expedient to open Parliament, declaring that so thoroughly convinced was he of the necessity, that he would apply the maxim on this occasion of *aut inveniam aut faciam*; and as a farther confirmation that the means proposed were constitutional, his Lordship adverted to a precedent that had occurred in 1739, in the reign of George the Second, when Lord Hardwicke had been Chancellor. He said he had well known that noble Lord, and a Judge of more prudence and caution, and at the same time of more firmness, had never existed. Lord Hardwicke, his Lordship explained, had put the Great Seal to two separate commissions in the King's name, when the King was ill, and thought to be in danger. He dwelt for some time on this circumstance, and relied on it as an argument

argument strongly in favour of the doctrine he had laid down and maintained. He said, one great reason, among others, that ought to weigh with some of their Lordships in favour of opening the Parliament, and passing a Regency Bill, was, that if such a Bill did not pass, the present Ministers would of necessity be obliged to retain their places, because without such a Bill they could not possibly resign their offices. His Lordship concluded with moving, "That
 " it was expedient and necessary that a Commission for opening
 " the Parliament be issued under the Great Seal in the form following:" [The form that followed was the customary one of all commissions issued under the Great Seal of a Parliamentary nature, with the difference only of the object.]

As soon as the Motion had been read at length by Mr. Arnott, and put from the Chair,

Lord *Portchester* rose, and began by stating that in his mind it would be a sufficient answer to all the noble and learned Lord had said; to ask if it were indispensibly necessary to put the Great Seal to such a commission as was now proposed, why had not the proposition been made two months ago? But he would not content himself with that short reply; the proposition was so objectionable, that he would just state a few observations that occurred to his mind upon it. The two Houses had been obviously mispending their time, and drawing down ridicule on their own authority; by the manner in which they had proceeded. They had been induced to resolve, that it was their right and their duty to supply the defect in the exercise of the Royal Authority, and now they were told, by those who had persuaded them to vote such a resolution, that it was necessary to open the Parliament; and that a Regent could not be made but by an Act of Parliament. Another resolution they had voted, stated, that it was with a view to keep the Royal Authority whole and entire. And how had that object been fulfilled? by taking a portion of the Royal Authority into their own hands, by parcelling out another portion of it to the Queen, and by delivering over the remaining portion to the Regent, thereby enfeebling and maiming the necessary powers of Government, and rendering it absolutely impossible that the country should be well governed, or governed with any degree of energy and vigour. His Lordship warmly reprobated what he termed the folly of this system, and observed that the per-

Lord
Portchester

fection of the political capacity of the Crown was what the lawyers affected to adore, and to hold up as incapable of diminution; and yet in the teeth of that doctrine the two Houses had crippled and maimed that political perfection of the Crown, and were about, by their mode of proceeding, to send it down to Westminster-Hall, not such a Deity as the lawyers professed to worship and adore, but an Idol mangled and defaced, stript of its proportions, and deformed by the hand of illegal innovation and unconstitutional violence. Such an act as they meant to pass, his Lordship said, would be disputed in the Courts of Law, and could therefore answer no wise purpose, because it must necessarily carry a forgery on the face of it. His Lordship, in proof of this doctrine, referred to the 33d of Henry the Eighth, whereby it was declared, that to pass a Bill legally, the King must either be present on the Throne, and signify his consent to the same in person, or signify it by commissioners, authorized to declare it under letters patent, sealed with the King's sign manual, and subscribed with his name written by his own hand. This, his Lordship contended, was clear indisputable law; and as a proof that it was so, he produced and read an extract from an Act of the first of Philip and Mary, passed for the purpose of taking off the attainder of the Duke of Norfolk. He explained, that during the last illness of Henry the Eighth, while the King was incapable of any act of Royal authority, an Act was passed by the two Houses attainting the Duke of Norfolk, which Act for the reason stated received the Royal assent by a commission that was issued under letters patent, wanting the King's sign manual and signature. The Act of Philip and Mary, his Lordship said, was a public act, being declaratory of the law of the land, and therefore it was to be relied on as indisputable authority. He condemned the proposed second commission for giving the Royal assent to a Bill, by the two Houses in the King's name, as an attempt to assume the exercise of the Royal Authority, and as something worse than nugatory, and insisted upon it that whoever put the Great Seal to a commission, without the King's special authority, would be guilty of an illegal act. The noble and learned Lord, he said, had himself confessed that the Lord Chancellor did not dare to put the Great Seal to such a commission of his own accord. [On the Lord President's shaking his head] He said, the noble and learned Lord had expressly

expressly declared that the Lord Chancellor would not venture to take such a step himself. After urging this very forcibly, his Lordship recurred to the precedent of the early part of Henry the Sixth's reign, and said, the noble and learned Lord had forgot the precedent. It stated that the Duke of Gloucester applied to Parliament to know what powers he had in Parliament? when the answer was, "You have no right to interfere, the King being in Parliament, and of years of *meet discretion*."

His Lordship insisted much upon his part of the precedent, and contended that the grounds upon which the answer rested, was the circumstance of the King (Henry the VI). having been brought down to his Parliament at six years of age, and seated on his Throne. After reasoning for some time on this point, his Lordship said, unless they meant to become a Republic, the doctrine laid down that day, was the most dangerous that could be broached. There was, he observed, another mode of proceeding, which although he did not wholly approve it, was far preferable to that proposed; and that was, to order a Commission to issue under the Great Seal appointing a Regent, and thus without delay restoring the Royal Authority. This mode would at least be free from all the other objections that the mode proposed would be liable to; it would save the Royal Prerogative from being invaded, and keep the legislative Rights of the Crown sacred. His Lordship stated, that there was an Act on the Statute book, passed in a reign many years antecedent to that of Henry the Eighth, which stated that there should be no alteration of the Prerogative. The Act he alluded to was, he said, the sixteenth of Edward the Second. He reminded their Lordships also, that a declaration was entered on the Journals of the House of Commons, which expressly maintained the same doctrine. After laying considerable stress on this, his Lordship concluded his speech with declaring, that notwithstanding all the noble and learned Lord's arguments about the absolute necessity of the measure, he was convinced the end would be more constitutionally attained without it, and therefore he never should vote more heartily, or with more detestation of a proceeding, than he should that day give his vote against the Motion proposed.

The Lord *President*, rose again and said, he begged pardon of the Committee for having omitted to mention the Acts of Parliament. Lord President.

alluded to by the noble Lord. It really had been his intention to have taken some notice of them, but in the course of his speech, they had escaped his memory. With regard to the thirty third of Henry the Eighth, upon which reliance had been placed, he took that Statute to be merely *affirmative*, and that the sole object of it was to declare, that the King might signify his Royal assent to a Bill, by a Commission, under the authority of Letters Patent, signed by the King's sign manual, and subscribed with his Royal signature; but that it by no means warranted an inference that therefore the Royal assent could not be signified by any other means. With respect to the precedent of the conduct pursued in regard to the Duke of Gloucester's appeal to the Parliament, in the early part of the reign of Henry the Sixth, his Lordship said, he construed that part of it very differently from the noble Lord. He considered the passage of "the King being in Parliament, and of years of *meet discretion*," to mean, that the Parliament declared that when the King was in Parliament, and of years of *meet discretion*, then the Duke of Gloucester would have no authority to interfere in Parliament, otherwise than as an individual Peer of Parliament. A Commission passed in the King's name, under the Great Seal, his Lordship contended, had the same force as if the King himself had authorised the Act it tended to sanction. A precedent directly contradicting the noble Lord's inference, had, he said, been put into his hands since he came into that House. He could not therefore vouch for its authority, although he had no doubt it might safely be relied on. The precedent stated, that in the twenty eighth of Elizabeth, an Act had passed by a Commission issued under the Great Seal, but without the manual of the Queen, or the Royal signature.

Lord Portchester persevered in his construction of the precedent of Henry the Sixth, and having desired that the precedent might be read, maintained that the true sense of the words was that he had put upon them.

The Duke of York rose unexpectedly at this moment, and said, he had not been informed that it was intended to insert his name in the Commission, and therefore it had not been in his power to take any steps to prevent it. He could not sanction the proceedings with his name, not wishing it to stand upon record, and be handed

to posterity, as approving such a measure. His opinion of the whole system adopted was already known; he deemed the measure proposed, as well as every other that had been taken, respecting the same subject, to be unconstitutional, and illegal. He desired, therefore, to have nothing to do with any part of the business, and requested that his name, and that of his brother, the Prince of Wales, might be left out of the Commission.

The Lord *President* said, upon a requisition thus communicated, there could be no hesitation. He should not for a moment resist the Royal Duke's desire, but would readily agree to omit his Royal Highness's name, and that of his Royal Highness the Prince of Wales. Lord President.

The Duke of *Cumberland* next rose, and desired that his name, and that of the Duke of Gloucester might also be omitted. Duke of Cumberland.

Some little difficulty here arose, as to the mode of complying with their Royal Highness's requests. Lord *Walsingham* suggested the regular parliamentary form of proceeding, that of reading the passage of the Commission desired to be omitted, and putting the question "That these words stand part of the Motion." This being admitted to be proper, his Lordship put the question in form on the passage that described his Royal Highness the Prince of Wales, and declared, "that the *Not Contents* had it," which of course in a due parliamentary form of proceeding would have left the words out of the Motion. But no sooner was the question decided, than Lord *Fitzwilliam* rose, and remarked, that if the means of leaving out his Royal Highness's name that had been resorted to were suffered to go upon the Journals, it would convey a marked disrespect to his Royal Highness.

This gave rise to some altercation, in which Lord *Kinnaird*, Lord *Portchester*, and Lord *Derby* took part.

The Earl of *Derby* animadverted on the present difficulty, which he charged to have arisen from the reprehensible conduct of Ministers, who, he declared, had all through the business proceeded without plan or system of any kind whatsoever. His Royal Highness the Duke of York had desired that neither his name, nor that of the Prince of Wales, might stand in the Commission, now moved to be issued by the authority of the two Houses under the Great Seal for opening the Parliament. It was astonishing to him, that the

noble and learned Lord should not have been aware so lately as the preceding day, that it was intended to move for such a Commission. He conceived it to have been impossible for the noble and learned Lord to have come forward and stated it to that House, without having first consulted his Royal Highness the Prince of Wales upon the subject. The noble and learned Lord had, the preceding day, an opportunity of communicating with his Royal Highness. Why had he not communicated the next step that was to be taken? If the noble and learned Lord had done this, the House would not have been involved in the present awkward and embarrassing situation. His Lordship declared the measure, to which their Lordships were called upon to give their consent, to be wholly unnecessary, and said, it was a fresh instance of disrespect to the Prince of Wales, added to the several others that had preceded it.

Lord
President.

The Lord *President* rose to exculpate himself from any intention to shew disrespect to the Prince of Wales, the Dukes of York, Gloucester, or Cumberland, by the insertion of their names in the Commission under consideration. His Lordship said, it was the usual and uniform practice to insert the names of all the Royal Family who had seats in that House, in every Commission that had any relation to Parliamentary transactions. To have omitted the names of the Prince of Wales, the Duke of York, and the two other Royal Dukes, would therefore have been a marked disrespect to their Royal Highnesses, and would, with great justice, have been urged as matter of complaint, and of censure, against his Majesty's Ministers. Being upon his legs, and speaking on that topic, his Lordship said, he would say a word or two touching a charge of disrespect to his Royal Highness the Prince of Wales, that had, he understood, been imputed to him in another place. No man that knew him, his Lordship trusted, would think it possible, that either in the instance of the Commission then before their Lordships, or in any other, he could have intended the smallest degree of disrespect to his Royal Highness. He was sure he had never meant any thing like it, but least of all, was it chargeable to him in the instance in which it had been imputed elsewhere, viz. that of summoning his Royal Highness to the Privy Council convened to enquire into the state of his Majesty's health, previous to the meeting of the two Houses after their first adjournment. On that occasion,

occasion, as President of the Council, he had thought it his duty to enquire of Mr. Falconer, what was the usual distinction paid to the Royal Family in desiring their attendance? He had been given to understand, that the only difference made between summoning the Royal Family and other Privy Councillors was, the enclosing the summons, signed by a Clerk of the Council, under a cover, and leaving it at their house. That did not satisfy his mind, nor did he think it sufficiently respectful; he therefore wrote his Royal Highness a letter, and signed it, which he enclosed in a cover, and transmitted to Lord Southampton at night, not by an ordinary but by a special messenger, desiring to know, if that was the most respectful mode of addressing his Royal Highness, and the answer was, that it certainly was the most respectful. Lord Southampton, the Earl observed, was present in the House, and would doubtless rise and set him right, if he had mistated any particular. If therefore it were a fit subject for boasting, his Lordship said, he might fairly boast of having been the first Lord President of the Council, who had distinguished himself by going out of the usual way, in order to pay his Royal Highness more than ordinary respect. His Lordship pressed this argument upon the Committee, as an undeniable answer to the charge of intended disrespect to the Prince of Wales on his part.

Earl *Fitzwilliam* insisted upon it, that what had fallen from the noble and learned Lord, was no proof that disrespect had not been shewn to the Prince of Wales in the instance alluded to. The Earl contended, that when it was resolved to convene a Privy Council, his Royal Highness ought to have been apprized that such a step was in consideration, and it ought to have been explained to his Royal Highness upon what principles it was deemed proper. It was in that omission that the disrespect consisted, not in the mode of summoning his Royal Highness to the Council. In the present instance, the Earl said, his Majesty's Ministers had offered the House a commission, in which his Royal Highness had been included, and they had never acquainted him with their intention of doing so.

Lord *Stormont* rose, and another noble Lord rising at the same time, Lord Stormont said he would not detain their Lordships many minutes from the pleasure of hearing the noble Lord. He rose to suggest that the Archbishop of Canterbury should stand

as the first named Commissioner, omitting the whole sentence that preceded his Grace. His Lordship observed that the noble and learned Lord had said, that in all commissions the names of the Royal Personages should be inserted. Here therefore lay the mistake. The difference had not been observed between the commission then proposed and the commission that ordinarily issued. This difference was surely enough to have started a doubt in the minds of his Majesty's Ministers, and to have induced them to have asked previously whether their Royal Highnesses would or would not have chosen to have had their names inserted in such a commission. Having stated this, his Lordship said, when he heard a noble and learned Lord claim merit for having put a summons under a cover, and sent it to his Royal Highness the Prince of Wales, he could not but question the ground upon which that claim of merit rested. What! was it respectful to his Royal Highness, when they were to discuss the most melancholy subject that could come under consideration, an enquiry into the state of his father's health, to omit consulting his Royal Highness whether he thought such a subject proper for the discussion of the Privy Council? Would any one of their Lordships say, that they would not have done that for the Prince of Wales which they would have done for a common individual? When they were going to institute an enquiry that concerned the Prince of Wales more immediately and more peculiarly than any other individual in the kingdom, would they not in decency ask whether his Royal Highness had any objection to such an enquiry? His Lordship contended that the conduct pursued by Ministers had been singular, disrespectful and improper,

Lord
Radnor.

Lord *Rodnor* rose to state that he presumed it would be more regular and more satisfactory to his Royal Highness the Prince of Wales, and the other Royal Personages, who desired their names to be omitted in the commission, that the Motion should stand as it was originally moved, and that they should annex a note that his Royal Highness the Duke of York, being present when the said Motion was made, and expressing a desire that his name and that of his Royal Highness the Prince of Wales be omitted, and his Royal Highness the Duke of Cumberland, being also present, and having expressed a desire that his name and that of his Royal Brother the Duke of Gloucester be omitted, leave was given to omit the same accordingly.

accordingly. This proposition his Lordship conceived would obviate all possible appearance of disrespect to the Prince of Wales, or either of the Royal Dukes.

Lord Radnor's suggestion gave rise to a short conversation, in which the Duke of York expressed his concurrence with the noble Duke of Earl's proposed Amendment, and declared, that although he had ^{York.} no direct authority from his brother, the Prince of Wales, to signify his desire that his name might be omitted in the intended commission, yet as his Royal Highness and he had entertained one and the same opinion respecting all their proceedings in this business, and considered the whole of the system adopted as unconstitutional and illegal, he would take upon himself to answer for the Prince of Wales, and to declare that his Royal Highness would not wish to have his name inserted in the Commission.

At length it was settled that the motion should stand as it did, and that when reported to the House Lord Radnor should then move his Amendment, that it might appear on the Journals that it was at the desire of their Royal Highnesses the Dukes of York and Cumberland, being present, that their names, and those of the Prince of Wales and Duke of Gloucester, were omitted in the Commission.

Lord *Stormont* rose just as Lord Walsingham was putting the question, and declared it had not been his intention to have troubled ^{Lord Stormont.} their Lordships thus early in the debate; he said he always rose with diffidence, but he then desired their Lordships attention under circumstances of peculiar difficulty and embarrassment, on account of the absence of the two noble and learned Lords, whose abilities were at all times of the highest advantage to their Lordships, but whose professional knowledge was upon a question of that sort peculiarly necessary. The noble and learned Lord had complained of delay; he begged to ask the noble and learned Lord to whom they ought to ascribe that delay? Let the noble and learned Lord prove why it was necessary to discuss the Question of Right before they proceeded to make a Regent? Had not that discussion been unnecessarily intruded upon them, they might have made a Regent six weeks ago. With regard to the two commissions intended to be issued under the Great Seal, he had a strong objection to both, but a much stronger to the second than to the first. The second he had
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the authority of the law of the land to pronounce *illegal*, and the first was clearly *informal*; not that he meant to rely much on the informality of the commission now proposed; it certainly was not a strong ground of objection, because it must be admitted that no mode of opening the Parliament could be adopted that was perfectly free from that objection. The noble and learned Lord had, he observed, stated the 33d of Henry the Eighth to be merely an *affirmative* statute. Let the noble and learned Lord recollect a subsequent Act of Parliament that had passed in the first year of Philip and Mary, the object of which was to take off the attainder attempted to be passed in the last year of the late King on the Duke of Norfolk, and which declared the act authorising that attainder to be of none effect. His Lordship produced what, he said, he considered as an authentic manuscript copy of the statute, for although it was to all intents and purposes a public act, it was most unaccountably not to be found among the printed statutes. His Lordship read the enacting clause, and contended that it amounted to a direct contradiction to the noble and learned Lord's assertion, that the 33d of Henry the Eighth was merely an *affirmative* statute. Having laid considerable stress on this authority, Lord Stormont adverted to the Commission, which the noble and learned Lord had informed them was hereafter to be issued, and which was, he said, neither more or less than an attempt to make an Act of Parliament by the two Houses, through the means of the fiction, and without the actual exercise of the Royal Prerogative. He would ask the noble and learned Lord whether, *pro hac vice*, the negative of the Crown, that essential barrier of regal authority, was not to be suspended? The noble and learned Lord must answer in the affirmative, because the commissioners had no power to dissent from the Bill proposed. He adverted to the speech of the Lord Chancellor on a former occasion, and said, it was an encomium by anticipation, a kind of funeral oration on the departing prerogatives of the Crown. The plain fact was, that by the second Commission intended to be issued, the two Houses assumed the legislative authority into their own hands, in defiance of the statute of Henry the Eighth, and in defiance of the known principles of the Constitution. It had, he observed, been asserted, that necessity warranted that mode of proceeding, and that what the necessity of the case required, necessity justified.

He

He subscribed fully to that doctrine, but he denied its application in the present instance, because there were other modes of proceeding that might have been resorted to, less objectionable, less dangerous, less unconstitutional. Was there not a mode within their reach consistent with all the limitations? What prevented them from adopting this mode :—to address the Prince of Wales to take upon him the exercise of the whole legislative authority of the Crown? His Lordship reasoned on this proposition, and urged its expediency and its safety, repelling every suspicion that the Prince would not have sanctioned a Bill containing the limitations and restrictions, by asking if it were possible to imagine his Royal Highness to have been so ill advised as to refuse his assent to a Bill, without the passing of which he could not have been Regent? It was, he said, an unmanly proceeding to assume the power of the Crown while it lay prostrate at their feet. Let the Committee recollect that when they were called upon to strike at the legal constitutional right of the Crown, the Crown was utterly incapable of defence. His Lordship declared that the proceedings of the two Houses had tended more, within the last three months, to introduce and sanction Republican principles, than they had ever done since he was in the political world. He said he railed not at Republican principles; he knew a Republic was beautiful in theory, but in the nature of things impracticable with the practice of our Constitution; he was not, however, so ignorant of what passed in his own country, and in other parts of the world, but that he could see Republican principles made a greater progress than ever. A Philosopher, he observed, had existed, who stated it to be a misfortune that Englishmen were accustomed in their early years to classical studies, which were supposed to strengthen youth, to benefit our maturer, and to solace and support our declining age, and that such a mode of education prevailed in this country, because, said the Philosopher, it gave the young men of England too early a love for Republican principles, and too strong an idea of the independence of man. The system of British education, his Lordship said, certainly produced the effect complained of by the Philosopher in question. His Lordship argued upon this collaterally, and after adding some farther reasons why he should strenuously oppose the second Resolution, whenever

whenever it should be brought forward, said he should certainly vote against the Motion.

Lord
Hawkes-
bury.

Lord *Hawkesbury* began with lamenting the absence of the two noble and learned Lords, which had it not happened, would, he said, have saved their Lordships the trouble of hearing him upon a question, which was not only of most serious importance, but he might say of great legal nicety. The noble Viscount and other noble Lords had complained of the delay that had occurred in the course of their proceedings; that delay undoubtedly would not have taken place, had not the question of Right been started, which was no sooner started, than it became absolutely necessary for the two Houses to discuss and decide upon it. The noble Viscount, he observed, had talked much of Republican principles, and asked whether studying the authors of Greece and Rome did not incline the youth of this country too much towards those principles? He wished the youth of Great Britain to study the constitution of every other country, that they might learn the defects of each, and by that means be the better enabled to judge of and admire the beauties and benefits of their own Constitution. The measure now proposed was, his Lordship said, governed by the necessity of the case, and so it ought to be, but sure he was, that it did not exceed it. Necessity, he was aware, was generally deemed the Tyrant's plea, but that was a pretended, not a real necessity. He declared he knew not where to resort to, to find a case like the present, or to learn, from what already happened, what were the steps that ought now to be taken. From the books of Mr. Justice Fortescue, and Mr. Justice Blackstone, he knew that the name of a Regent, the power of a Regent, and every idea of limitation and restriction, were wholly unknown to the common law of this country. When he turned to the Revolution, which had, in the course of the debates, been quoted as a case somewhat in point, he saw there was no analogy between that case and the present; the two Houses of Convention had at that time resolved to address the Prince of Orange to take upon him the Sovereign Authority on a principle of necessity. The Throne had then been vacant, the King's political capacity was gone, all the functions of Government, in every point of view whatsoever, were at an end; the Judges could not sit, the Magistrates could not act; there was no one principle of Government.

vernment alive at the time. At present the case was far different. The Throne was full, the courts in Westminster Hall had sat, and the Judges had administered the law for the whole of one term and for great part of another. With regard to the objections to the present proposal, as a means of opening Parliament, let the Committee recollect that there was nothing for law to operate upon but a mere form, and if they held the doctrine that had been advanced that day, they must remain where they were, without being able to proceed to any one act of Legislature whatever. His Lordship alluded to the doubt that had been seriously entertained in the reign of Henry the Sixth, whether Henry the Fifth could make a will, and thereby appoint his successors to different parts of his dominions. His Lordship reasoned upon that fact, and then reverted to our own history, declaring that he could trace two memorable instances, in which Commissions were held, and Acts passed, without the Royal signature, and those were the instances referred to by the noble and learned Lord, who opened the debate, and which happened in the reign of George the Second. His Lordship explained the principles on which Lord Hardwicke had put the Great Seal to those Commissions, to guard against the danger of the King's death.

The Earl of *Carlisle* declared, it had not been his intention to have troubled their Lordships that day, but what had fallen from the noble Lord who spoke last, made it necessary. His Lordship said, the noble Lord had desired them to recollect that the delay complained of on all sides the House, had been occasioned by the Question of Right having been agitated. He declared he would not suffer such an assertion to pass without desiring their Lordships to recollect who it was that started that Question in the most unprovoked manner. Let them read the declaration of his Royal Highness on that point, which proved the discussion of that Question to have been wholly unnecessary. With regard to the early part of the reign of Henry the Sixth, the noble Lord had not more respect for that period than he had, but let their Lordships recollect that the Bishop of Durham, at that time Lord Chancellor, resigned the Seal into the hands of the infant King, and that the great men of that day, directed the Master of the Rolls to put the Great Seal to various Commissions, and that one single person was appointed to hold the Parliament, viz. the Duke of Gloucester, who was the
nearest

nearest a-kin of any person in the realm to the King; by the same mode of argument, the Earl contended, that the Prince of Wales was the person now to be appointed to exercise the Royal Authority. His Lordship remonstrated against the mean, cowardly system then proposed, of attacking the Crown when it was defenceless, of maiming and mutilating the Prerogatives of his Majesty, and cutting off the hairs of his strength while his head lay in their lap. He said, such a plan could only be founded in a low suspicion, that if the Prince of Wales were appointed Regent, he would not give his assent to the Bill of Limitations and Restrictions, proposed by the two Houses; an apprehension which no man dared avow.

Lord
Hawkes-
bury.

Lord *Hawkesbury* explained that the Duke of Gloucester had been named Protector in the reign of Henry the Sixth, by the Parliament, and by a Commission to which the Great Seal was affixed by their authority, and not by that of any other power.

Lord
Osborne.

Lord *Osborne* (Marquis of Carmarthen) said the noble Earl seemed to have stated, that the Question proper to be adopted was, whether it was not more adviseable to appoint one person to open the Parliament, than to name Commissioners for the purpose; if he could guess from a circumstance that had occurred in the debate that day, the difficulty would not have been diminished. His Lordship spoke of the Princes of the Blood, in terms of great respect and affection, and said, no man was more ready than he was to declare, that he had not the most distant suspicion, that if his Royal Highness the Prince of Wales were in the first instance declared Regent, that his Royal Highness would not refuse his assent to a Bill of Limitations and Restrictions on his Regency, but he could not consent that, in a question of that kind, the House ought to be governed by personal confidence, because, if that were the case, the great barriers of the Constitution might one day be thrown down in compliment to the personal virtues of an individual. Some of the harsher arguments of noble Lords who had spoken against the question (for several of whom the Marquis declared he entertained great private friendship, and very sincere regard), he attributed rather to the accidental heat of debate, than considered as the serious result of their sober judgments. His Lordship observed, that he and his colleagues had been accused of favouring Republican principles, and of curtailing the prerogatives of the Crown, in a moment

moment when the Crown was defenceless, and thus taking advantage of the King's incapacity. Those noble Lords who held this doctrine, talked as if the Throne was vacant as at the time of the Revolution; a distinction which the noble Lord, who spoke last, had very clearly, and in his mind unanswerably pointed out. His Lordship added other sensible and pertinent remarks, paying several compliments to the House of Brunswick, but declaring, that no private predilection ought in his mind to be suffered to have any influence in a discussion on a great constitutional question.

The Earl of *Carlisle* took notice of what Lord Osborne had dropped relative to the Duke of York, and the Duke of Cumberland, having desired their names, and that of his Royal Highness the Prince of Wales, and the Duke of Gloucester, to be struck out of the Commission, a proceeding which he contended *was* in every point of view justifiable. His Lordship also disdained the idea of the Prince of Wales desiring that House to pay any compliment to him on the principle of personal confidence. Earl of Carlisle.

Earl *Fitzwilliam* made a speech against the motion, observing that the two Houses being resolved, that it was their right and duty to supply the defect of the Royal Authority, and that they immediately followed it by resolving, that the defect could not be supplied otherwise than by an authority of an Act of Parliament. Earl Fitzwilliam.

The Question was then put, and carried without a division.

It was next moved, that the Resolution be immediately reported to the House, which was done as soon as the House was resumed, and the House agreed to the Resolution.

Lord *Radnor* moved his Amendment, which was also voted.

The blank in the Commission was then filled with the words "Tuesday the 3d of February," and the House having resolved, that a conference be desired with the Commons on Monday, and the said Resolution reported to them, and their concurrence desired, the House rose, it being *half after Eight o'clock*, and adjourned to the next day.

Monday, February 9.

Lord Dover said he had a Petition in his hand from Warren Hastings, Esq. which he presented, and desired it might be read by the Clerk.

To the Right Honourable the Lords Spiritual and Temporal in Parliament assembled.

The Humble PETITION of WARREN HASTINGS, Esq. late Governor General of Fort William, in Bengal.

Sheweth,

THAT your Petitioner was permitted by the Hon. House of Commons to appear before their Bar on the 24th of April, 1786, to answer to certain Charges which had been preferred against him in that Honourable House. That your Petitioner, on the 14th of May, 1787, was impeached by the Honourable House of Commons of Great Britain, at the Bar of your Lordships House, of High Crimes and Misdemeanours—That your Lordships were pleased to grant your Petitioner a Copy of the Articles of Impeachment, with leave to answer the same—That on the 25th of November, 1787, in the following Sessions of Parliament, your Petitioner, according to your Lordships order, did deliver in his Answer to the said Articles, and the 13th of February, 1788, was appointed for the commencement of his Trial, and it was accordingly commenced and continued by various adjournments, to the 15th of June of the same year.—That your Petitioner conceived an abundant consolation when he saw himself brought before a Court, which was held in universal estimation the most just, as it was the most respectable, from the high titles and dignities, and the noble characters of the members composing it: and impressed at this time in an equal degree with the same sentiments, and assuring himself, that your Lordships will favourably receive any representation which he may conceive himself under the necessity of making to your Lordships, of the hardships which he has sustained, and may yet have cause to apprehend, from the peculiar circumstances of the present Trial, he humbly presumes in this stage of it to state the same to
your

your Lordships, and to pray for such redress and relief in the future process of it, as your Lordships wisdom may be able to devise, and your justice prescribe.

And your Petitioner humbly begs leave to observe, that one year has elapsed since the commencement of his trial; and in that interval seven noble Lords, his Judges, have yielded to the course of nature; some of the persons, whose evidence was required for his defence, have returned to their duty in India, and many of those who remain are detained to the injury of their fortunes and prospects, and to some loss of the service to which they belong. That you Petitioner possesses no means of indemnifying them for their detention, nor does he presume to estimate his own rights at so high a price, as to exact from any man, that he should devote the prime season of his life to inaction. That of such of the Witnesses whose conveniences may permit it, or whose inclinations may prompt them to remain, many must, by death or the variable accidents of life, be taken from him before the time of his defence. That his health, which a long residence in an ungenial climate had impaired, has been precluded from receiving the only remedy which a foreign air could afford for its restoration, and the only palliative which a state of ease could afford it at home: his fortune wasted in the expences unavoidably incident to so heavy a prosecution, and his person thrust out from its place in common society; with other sufferings which, though most sensibly felt by him, may not be specified in an address to your Lordships.

And your Petitioner begs leave humbly to observe to your Lordships, that although the Prosecution has yet been closed upon two Articles only of his Impeachment, twenty Articles were preferred against him by the Hon. House of Commons; that these comprised in effect all the material transactions, civil, political, military revenue, and financial, of a Government of thirteen years; that a considerable portion of this time was a period of great difficulty, danger and embarrassment, to every dependency of the British Empire, and now particularly to the extensive territories which were under the actual Government of your Petitioner, or which depended upon its exertions for subsistence and relief; that your Petitioner was therefore under the necessity, through his Counsel and Solicitors, of collecting and collating from the volu-

minous Records of the East India Company, the whole history of his public life, in order to form a complete defence to every allegation which the Hon. House of Commons has preferred against him; for your Petitioner had not when your Lordships were pleased to grant him a copy of the Articles, neither has he now, any means of knowing whether any or what Articles, if any, were meant to be abandoned by the Hon. House of Commons. That it was not possible for your Petitioner to be prepared with the necessary materials for such a defence; without incurring a very heavy and intollerable expence, the sums which have been actually paid, and for which your Petitioner stands indebted, amounting, according to the most accurate estimate which he could procure from the best authority, to upwards of thirty thousand pounds. That this is a subject of great and serious alarm to your Petitioner, who in the indefinite prospect before him sees himself in danger of wanting the means of defence and even of subsistence, should his life, which is not probable, be continued to the close of a Trial, in which so small a progress has yet been made, unless your Lordships wisdom shall enable you to afford your Petitioner that relief which he humbly solicits, and confidently hopes to receive. That your Petitioner, with all sincerity of heart, craves leave to assure your Lordships, that he does not presume to state his sense of the hardships to which he has been, and is subjected by the past events of the Trial, as matters of complaint, being fully persuaded that they were unavoidably incident to the peculiar nature of such a Trial, and to the peculiar character and circumstances of the Charge which was the subject of it. That he has stated them with no other motive or view than to obtain from your Lordships a deliverance from the dreadful chance of his character being transmitted on the Records of your Lordships high and august Court, blasted with unrefuted criminations, and an acceleration of the time in which he may be enabled to make his innocence, his integrity, and (may he be permitted in all humility to add) his deserts apparent to your Lordships.

Your Petitioner therefore most humbly prays, that your Lordships will be pleased to order that the Trial may proceed according to your Lordships order upon the last adjournment,

jourment, and that it may be continued to its close, (if it be possible) without interruption.

WARREN HASTINGS.

London, Feb. 9, 1789,

The Lord *Chancellor* observed, that as the House was thin, and as their Lordships were not generally informed that such a Petition Lord Chancellor was to be presented, he would merely move for the present, that it should lie upon the table, in order to be taken into consideration on a future day, when there might be a full attendance. He would further move, that the Trial should be adjourned to Monday, not meaning however that they could proceed on that day. Their Lordships would recollect, that in the last year they had adjourned the Trial during the term the Judges were upon their Circuits; but whether the same mode should be observed at present, would be an object for their Lordship's determination, when they take the Petition into consideration.

Monday, February 16.

REGENCY BILL.

As soon as prayers were over, and the Lord Chancellor had taken his seat on the Woolfack, Lord *Sydney* moved, that the Bill, intituled, "An Act to provide for the care of his Majesty's Royal Person, and for the Administration of the Royal Authority during the continuance of his Majesty's illness," be read a second time. The Bill was read accordingly for the second time, and on the question being put, "that this Bill be committed,"

The Duke of *Grafton* said, he felt himself in an awkward Duke of Grafton. situation, rising then for the first time to speak to a Bill, of so much critical importance, the chief parts of the ground-work of which had undergone so large a discussion in both Houses of Parliament, that many of their Lordships had delivered their sentiments upon the subject, and perhaps most of them had sanctioned those sentiments by their Votes; but anxious as he felt

to avoid misrepresentation, when the propensity to misrepresent was so powerful, he might almost say so irresistible, that even what appeared to him to have originated in the best and purest motives, had been in a most extraordinary manner imputed to the worst and the most sinister; and fearful as he was, lest it should not be thought the whole of the system of measures that had been pursued in the difficult and singular situation in which the nation had found itself involved, in consequence of his Majesty's unfortunate illness, had his entire and hearty concurrence, he could not resist seizing upon that single opportunity of doing that, which he had been again and again prevented from, by repeated fits of illness, viz. delivering his sentiments on the principle of the Bill then under consideration. Accustomed as he had been for many years back, to trouble their Lordships on almost every subject that came before them, he would not, his Grace said, waste the time of the House by expatiating on the possibility of his being deprived of the power of attending the future discussions of the Bill, by returning illness, and he would promise them that he would not trespass on their patience by going improperly into any argument respecting particular Clauses, that might occasion present debate, when they ought more fitly to be reserved for future discussion. He meant merely in a general way to state his sentiments, not of parts of the Bill, but of the whole of the system of measures that had been adopted, declaring, that he heartily approved of it, as in his judgment most consonant with the true principles of the Constitution. It had been extremely proper, in his Grace's opinion, for Parliament to have those precedents in view, which had been collected, and submitted to their consideration, though perhaps they were chosen from times, not precisely such as ought to be made the ground of immediate proceeding under the calamitous circumstances of the moment. In fact, the measures that had been judiciously selected and adhered to with so much perseverance, but at the same time with so much firmness, till they had been reduced into the regular form of a Bill, seemed to him to be wisely adapted to supply the *temporary* defect in the form of our Government, and to be such as the remaining three Estates, consisting of the Nobility, Clergy, and Commons of England (speaking by their proper voice, that of the Representatives of the People), could best take to provide for the deficiency of the fourth

fourth Estate, and such as they owed the Sovereign, and to the regard that was due from them to the interest of every subject of the kingdom, different measures, he was satisfied, could not have been followed, without injustice to the Sovereign, and danger to the country. There was one point, his Grace said, to which though he meant not to go into any discussion, he would just say a word or two; and that was, the Clause that declared that nothing contained in the Bill, should be construed to extend to empower the Regent, in the name and on the behalf of his Majesty, to give the Royal Assent to any Bill for repealing the Act of Uniformity; or the Act of the fifth of Queen Anne, passed at the time of the Union, for securing the Presbyterian Church Government of Scotland. The Duke desired, that by giving his approbation to the Bill, he might not be considered as declaring his opinion that the Act of Uniformity was infallible, or that it ought not at any future period to be rendered a subject of discussion and re-consideration. The original framers of the Act of Uniformity, he was persuaded, by no means intended it to be so regarded; but being actuated by the best motives, designed to frame the Act on the wisest principles, and being conscious of having done so, had thought it could not too often be brought under discussion. His Grace said, the Dissenters, he was convinced, deserved every reasonable consideration on the part of the Legislature, and were entitled to every degree of candour and liberality; that should be found consistent with true policy. He repeated it, therefore, to be his firm opinion, that the door ought not to be shut at all future discussion of the Act of Uniformity, and that however it might be deemed proper to give place to the Clause respecting that Act, that made a part of the present Bill, it might not go forth to the public as a final decision of Parliament upon the subject. He could easily conceive, that it had been difficult to decide under circumstances so new and so embarrassing, upon what was the proper and most constitutional mode of proceeding, and therefore, his Grace said, he gave those who differed in opinion upon the subject, and opposed the Resolutions on which the Bill then before them was founded, full credit for having objected upon principles perfectly honourable and pure; he trusted, however, that those to whom he alluded would have the candour to give him the same degree of credit that he was willing to allow them, and to believe that his

motives were equally sincere and free from question. His Grace concluded with declaring, that he would not have troubled their Lordships in that stage of the Bill, had he not feared that giving a silent vote upon it, might cause him to be misrepresented, and that it might be conceived he was luke-warm on a subject on which he was most warm and which, both in principle and application, he very sincerely approved.

Lord
South-
ampton.

Lord *Southampton* said, he was extremely embarrassed in rising to differ with the noble Duke, and the more so, when he found himself obliged to differ with him on the principles of the Constitution. He had long, his Lordship said, been accustomed to bow with reverence to the political system of the noble Duke, and from a consciousness of his superior knowledge and ability, to make the noble Duke's sentiments on public affairs his own political creed; but on the present occasion, so far from thinking with the noble Duke, that the measures that had been pursued, and which had been rendered the ground work of the Bill, were consonant to the true principles of the Constitution, he considered them as the most *nefarious* measures, the most unconstitutional, and the most dangerous that had ever been adopted. He felt like the noble Duke, as a warm friend to his country, a warm friend to his Sovereign, a warm friend to his Royal Progeny, and a warm friend to every thing that ought to be held sacred in the Constitution, and he would appeal to the noble Duke's candour, whether if he were Minister, to carry on a Government under such restrictions as the Bill imposed on the Regent, he could pretend to conduct a Government so as to render it beneficial to the people, or advantageous to the interests of the Empire. He declared he had ever acknowledged with gratitude the salutary effects of the noble Duke's Administration, and the public had concurred in bestowing their cordial applause on no one measure of that Administration in a greater degree, than the restraining the East India Company in respect to their dividends. That wholesome measure had proved the salvation of the Company, and in consequence, of most essential service to the interests of the public in general. Would the noble Duke undertake to say, that acting as a Minister under the Restrictions of the Bill then under consideration, it would have been possible for him to have carried the salutary measure to which he had alluded into effect? The noble Duke well knew,

knew, that the great cause of his leaving office, had been his having found by experience, that the power of the Crown was not sufficient to enable him to carry on a Government of efficacy and of vigour; how then could it be expected that the Regent should be able to carry on such a Government with mutilated and diminished powers? His Lordship said, he spoke not under the influences of party prejudices; he felt no prejudices in favour of this or that particular man; whoever governed the country best, and most advantageously for the people, was the Minister under whose banners he was ready to enlist, but as he could not think of the measures, that had been pursued, as the noble Duke did, sorry as he was to differ from him in political opinion, he felt it his duty to do so on the present occasion; in friendship he hoped he never should differ with the noble Duke, but that they should continue to live in the same union and harmony, that had constituted for so many years the chief happiness of his life.

Tuesday, February 17.

REGENCY BILL.

The Order of the Day being read for the House to resolve itself into a Committee on the Bill, intitled, "An Act to provide for the care of his Majesty's Royal Person, and for the Administration of the Royal Authority during the continuance of his Majesty's illness," The Lord Chancellor left the Woolfack, and Lord Walsingham went to the table as Chairman of the Committee.

The Committee proceeded to debate the several Clauses, Clause by Clause.

Lord Osborne (Marquis of Carmarthen) proposed an Amendment in the first Clause, the object of which was, to insert words, confining the delegation of Authority to the Prince of Wales to govern the kingdom, under the stile and title of Prince Regent, "to the period of the duration of his Majesty's indisposition, and until the issuing the Proclamation, declaring his Majesty's resumption of the personal exercise of the Royal Authority, as in manner herein-after provided."

This

This Amendment, after some conversation between his Lordship, Lord Portchester, Lord Radnor, and the Duke of Norfolk, was agreed to.

The several Clauses following the first were agreed to without occasioning any animadversion.

When the Clause “restraining the Regent from giving the Royal Assent to any Bill or Bills for repealing or changing the order of Succession to the Crown, as the same stands established by the Act of Settlement, or to any Act for repealing the Act of Uniformity, or the Act for securing the Presbyterian Church Government of Scotland,” was read, a good deal of conversation ensued.

The Duke of Norfolk and Lord Portchester contended, that restraining the Prince Regent from giving the Royal Assent to any Bill for repealing the Act of Settlement, was an unnecessary restriction, as it was not to be imagined the Prince, as Regent, would injure his own interest as Heir Apparent to the Crown.

Earl Stanhope. Earl Stanhope said, their Lordships had come to the most important part of the Bill. Any person who looked into the Act of Parliament referred to in the clause, must, his Lordship said, be of opinion that the clause was ill worded. In the first place, the Act of Charles the Second was not an Act of the 13th, but of the 13th and 14th of that reign. Next, in that Act there was a clause which re-enacted and confirmed all the Statutes that were replete with persecutions of the most harsh and severe nature. He wished, his Lordship said, to qualify the wording of the clause, so as to leave the door open to discussion, and, if it should hereafter be the sense of Parliament, to a repeal not of the Act of Uniformity, but of all the persecuting Statutes referred to by a clause in that Act; and he said he had some authority for the Amendment that he should move, the Hon. Gentleman who brought up the Bill, and delivered it at their Bar, and who had likewise brought it originally into the other House of Parliament, having seemed to approve of such an alteration. His Lordship here read the enacting Clause in the 13th and 14th Charles II. *cap.* 4.

[13 and 14 Ch. II. ch. 4. (called the Act of Uniformity) Sec. 24. The several good laws and statutes of this realm, which have been formerly made, and are now in force, for the Uniformity of Prayer and Administration of Sacraments, shall stand and be in full force and

and strength to all intents and purposes, for the establishing and confirming the Book of Common Prayer annexed to this Act. And shall be applied, practiced, and put in use, for the punishing of all offences contrary to the said Laws, with relation to the Book aforesaid, and no other.]

They had, his Lordship said, had many different Common Prayer Books at different periods, and the clause he had just read, re-enacted all the Acts referring to all those different Common Prayer Books, and were many of them as scandalous Statutes as ever disgraced a Statute Book; and were clearly passed in the days of darkness and ignorance by those who had as little religion as humanity. Some of them contained rank blasphemy, as he would convince their Lordships, by reading an abstract from one of them. His Lordship read in this place the following abstract:

2d and 3d Edward VI. cap. 1. recites, that the Archbishop of Canterbury, and certain Bishops, and other learned men, had been appointed by the King's uncle, the Lord Protector, and other of his Highness's Council, to draw, and make one convenient and meet order, rite, and fashion of common and open Prayer and Administration of the Sacraments to be had and used in his Majesty's realms of England and Wales: the which at this time, *by the aid of the Holy Ghost*, with one uniform agreement is of them concluded, set forth, and delivered to his Highness, to his great comfort and quietness of mind, in a book intitled, "The Book of the Common Prayer and Administration of the Sacraments and other Rites and Ceremonies of the Church, after the Use of the Church of England."

Sect. 2. enacts, That if any person or persons whatsoever after the feast of Pentecoste then next coming, shall in any interludes, plays, songs, rhymes, or by *other open words, declare or speak any thing in the derogation, depraving or despising of the same Book, or of any thing therein contained, or any part thereof*, shall (for the first offence forfeit ten pounds, for the second offence twenty pounds, and for the third offence) *forfeit all his goods and chattels, and suffer imprisonment during his life.*

His Lordship commented on this declaration, that the Common Prayer Book referred to in the above abstract, had been written *with the assistance of the Holy Ghost*, and then said, that in the very
same

same reign, by a subsequent statute, a new Book of Common Prayer was set up, as appeared by

5th and 6th Edward VI. ch. 1. sect. 5. (speaking of the Book of Common Prayer, of 2d and 3d of Edw. VI.) Therefore, *as well* for the *more plain* and manifest *explanation* hereof (the same, observed his Lordship, being unintelligible), *as for* the *more perfection* of the said order of common service, in some places (though the same had been best established by the Holy Ghost, as stated in the former Act of Parliament), where it is NECESSARY (not merely *expedient* and proper, but, from its absurdity, *necessary*), to make the *same* prayers and fashion of service *more earnest* and FIT to *stir* Christian people to the true honouring of Almighty God (the book of the Holy Ghost being quite unfit for that purpose).

(Infamous blasphemy !)

The King (with the assent of the Lords and Commons) has caused the Book of Common Prayer to be *explained, and made more fully perfect*.

Sect. 2. If any person shall *willingly hear* and be *present* at any other Manner or Form of Common Prayer, than *is set forth* in the said Book (annexed to this present Statute) shall, for the first offence, suffer imprisonment for six months, without bail or mainprize; for the second offence, imprisonment for one whole year; and for the third offence, imprisonment during his or their lives. (Even therefore if present when the Book of the Holy Ghost is read. How barefaced and infamous !)

His Lordship mentioned the various Statutes that were alluded to in the general Clause of Reference in the 13th and 14th of Charles II. sec. 24. in the following order, commenting on them as he mentioned them.

The said Acts (viz. 2d and 3d Edward VI. and 5th and 6th Edward VI.) repealed by 1st Mary, sec. 2. chap. 2.

And 1st Elizabeth, chap. 2. sec. 2. revives 5th and 6th Edward VI. as to *Book*, with alterations and additions. This, his Lordship observed, was the third Book.

Sect. 26. Enacts that the Queen, by advice of certain Commissioners of the Metropolitan, may ordain further rites and ceremonies.

Therefore

Therefore the order of the Common Prayer Books were, 1st, Holy Ghost, next Parliament, next the Queen and Archbishop of Canterbury.

Seçt. 9, Depraving 3d Book. 100 Marks, First Offence.

Seçt. 10. Second Offence, 400 Marks.

Seçt. 11. Third Offence, forfeiture of goods and chattels, and imprisonment for life.

Seçt. 16. Church censure against persons offending against this Act.

5th Elizabeth, chap. 23, specifies the cases in which an excommunicated person may be imprisoned, by means of the Writ *de Excommunicato Capiendo*.

Seçt. 13. specifies said cases as follows :

5th Eliz. ch. 23. " An Act for the due execution of the Writ "*de Excommunicato Capiendo*." Seçt. 13. And that if the offender against whom any such Writ of *Excommunicato Capiendo* shall be awarded, shall not in the same Writ of *Excommunicato Capiendo* have a sufficient and lawful addition, according to the form of the Statute of *Primo* of Henry the Fifth, in cases of certain suits, whereupon process of *Exigent* are to be awarded : or if in the *Significavit* it be not contained that the excommunication doth proceed upon the same cause or contempt of some original matter of *Herefy*, or refusing to have his or their *child baptized*, or to receive the *Holy Communion* as it is now commonly used to be received in the Church of England, or to *come to Divine Service* now commonly used in the said Church of England, or *error in matter of Religion or Doctrine* now used and received in the said Church of England, *Incontinency*, *Usury*, *Simony*, *Perjury* in the Ecclesiastical Court, or *Idolatry* ; that then all and every pains and forfeitures limited against such persons excommunicated by this Statute, by reason of such Writ of *Excommunicato Capiendo*, wanting sufficient addition, or of such *Significavit* wanting *all* the causes aforementioned, shall be utterly void in law ; and by way of plea to be allowed to the party grieved.

1st Eliz. ch. 2. seçt. 14. Every person to go to Church every Sunday or Holy Day, or to forfeit twelve-pence.

23 Eliz. ch. 1. seçt. 5. Every person above sixteen, not going to Church for a month, shall *forfeit for every month* 20l. and shall in
twelve

twelve months *be bound* with two sufficient sureties in 200l. at least, for his good behaviour.

Sect. 11. Imprisonment if he cannot pay.

35 Eliz. chap. 1. sect. 1.

Person refusing to go to *Church* to be *committed* till he *does* go.

(To choose between a Cathedral and a Prison.)

Sect. 8. Keeping in one's house a recusant, 10l. per month.

(Therefore for *each* servant, visitor in the country, &c.)

3 James I. chap. 4. sect. 11. (20l. enough for a man who cannot pay twenty shillings, sufficient cruelty.) That the penalties may be raised, said the Act, "in better proportion upon men of great ability." It therefore enacts, that the King may refuse the 20l. per month (incurred for not going to Church), though the same be *legally tendered*, and may take *two parts out of three* of all the *lands, tenements and hereditaments* of the said vile offender.

Sect. 32 and 33. Having a recusant in his house, forfeit 10l. per month.

Sect. 34. Humane Proviso in favour of father and mother *wanting other habitation*.

(If they do not want other habitation, even father and mother are to be turned head and shoulders out of doors.)

Sect. 39. Ecclesiastical Jurisdictions reserved against offenders against this Act.

13 and 14 Ch. II. chap. 4, sect. 2. (4th Book of Common Prayer.)

Sect. 24. Applies all the *good* laws then in force for persecution to the *new* Book.

29 Ch. II. chap. 9. An Act for taking away the Writ *de Hæretico COMBURENDO* (sect. 1. Heretics not to be burnt to death): but in sect. 2, Curious Proviso.

1 W. and M. Stat. 1. ch. 18. Toleration Act confirmed by 10 Ann. ch. 2. extended by 19 G. III.

These said laws were not repealed, but were in force not as to *all* Dissenters, but in force as to *all persons of the Church of England*, and some classes of Dissenters. He mentioned also the

27 Henry 6. Act for Pardoning *all* Priests "for all manner and kind of felonies and rapes by them perpetrated."

His Lordship made a variety of pointed animadversions in the progress of his mention of the several Statutes above referred to, and in particular stated, that passing Ecclesiastical Censure on persons refusing to go to Church, and punishing them for Idolatry, was directly contrary to Magna Charta. It might do for the clergy, but not for laymen. Magna Charta said (9 Henry III. cap. 29) “No freeman shall be taken or imprisoned, or be disseized
 “ of his freehold, or liberties, or free customs; or be outlawed or
 “ exiled, or any otherwise destroyed, but by the *lawful judgment of*
 “ *his Peers*, or by the *law of the land* (*vel per legem terræ*).” In the course of his speech, his Lordship said, he did not mean then to propose any thing respecting the abominable Acts of Parliament that he had referred to; but he had resolved, at a future and more fit opportunity, to call their Lordships serious attention to the subject, having undergone the drudgery of going through the whole Statute Book, and found that there were no less than *three hundred* Acts in it upon Religion. He did not wish materially to alter the clause, he only desired to leave the question open. As the clause then stood, the Prince Regent might repeal Magna Charta, the Habeas Corpus Act, or Mr. Grenville’s Act for trying controverted Elections, and the best and most useful Statutes ever passed, but he could not repeal the worst, not even that most barefaced Statute of Henry VI. which forgave the Clergy all the felonies and *rapes* they had committed. That Act, he said, was less infamous than several of those which he had mentioned, because it only pardoned the guilty; whereas those, to which he had referred, punished the innocent. His Lordship concluded with reading the opinions of Lord Chatham and Lord Mansfield (two of the greatest men that had ever lived, though they were known to have acted on very opposite principles) on the subject of Toleration in matters of Religion.

The late Earl of Chatham’s Speech in the House of Lords on
 the Dissenters Bill.

“ The Reformation has *laid open the Scriptures to all*—let not the
 “ Bishops shut them again. Laws in support of Ecclesiastic Power
 “ are pleaded for, which it would *shock humanity* to execute. It is
 “ said that *religious sects* have done great mischief, when they were
 “ *not kept* under strict restraint. History affords *no proof* that sects
 “ have

“ have *ever* been mischievous when they were *not oppressed and persecuted* by the ruling church.”

Lord Mansfield, in the House of Lords, in the case of Allen Evans, as reported by Dr. Richard Burn, in his *Ecclesiastical Law*, title *Dissenters*, “ What bloodshed and confusion have been occasioned
“ from the reign of Henry the Fourth, when the first Penal Statutes were enacted, down to the Revolution in the kingdom, by
“ *laws made to force conscience!* there is nothing certainly more unreasonable, more inconsistent with the *rights* of human nature,
“ more contrary to the spirit and precepts of the *Christian religion*,
“ more iniquitous and unjust, more impolitic, than *persecution*. It is
“ against *natural religion*, against *revealed religion*, and sound policy.
“ Sad experience, and a large mind, taught that great man; the
“ President *de Thou*, this doctrine. Let any man read the many
“ admirable things which (though a Papist) he hath *dared to advance upon the subject*, in the dedication of his History to Henry
“ the Fourth of France, which I never read *without* rapture, and
“ he will *be fully* convinced, not only how *cruel*, but how impolitic
“ it is, to persecute for *religious opinions*.”

And the late Earl of Chatham, in a letter to the Rev. Dr. Price, says, “ It is impossible to be writing to Dr. Price, without the
“ mind going of itself, to that most interesting of all objects to fallible man, *toleration*. Be assured, Sir, that on this *sacred unalienable*
“ *right* of nature, and bulwark of truth, my warm wishes will always
“ keep pace with your own.” His Lordship ended with moving an Amendment similar in substance and effect to that moved in the House of Commons, by Mr. William Smith, on the preceding Thursday.

Earl
Bathurst.

Earl Bathurst said, he rose merely to speak to a Question of Form. Whenever an Act of Parliament passed in a Session, part of which Session was held in the end of one year, and part of it in the beginning of the next year, unless the period of the commencement of the Act was otherwise specially enacted in the Bill itself, the time of its operation always was from the beginning of the Session, and therefore an Act that had passed in a Session held in the thirteenth and fourteenth years of Charles the Second, was described with precision, when it was termed an Act of the *thirteenth* year of the reign of King Charles the Second.

Lord

Lord *Hawkesbury* said, he held in his hand the Act of Union, which was generally deemed to be a Statute that had been drawn with more than an ordinary share of accuracy, and in that Act the Act of Uniformity was expressly called an Act passed in the 13th year of the reign of Charles the Second. Lord
Hawkes-
bury.

Earl *Stanhope* said, their Lordships would see that the Act of Uniformity was set down, as having passed in the 14th year of the reign of Charles the Second, in the Common Prayer Book on their Lordships table. And as to the idea that the Act of Uniformity had in various Statutes been termed erroneously an Act passed in the 13th year of Charles the Second, that was no reason, his Lordship said, that the error should be continued in every Act. Lord
Stanhope.

The Archbishop of *Canterbury* said, he rose not to enter into any argument with the noble Earl, respecting the Statutes referred to in the enacting clause of the 13th of Charles the Second; much less was he disposed to stand up the defender of those Statutes. He considered their discussion, however proper hereafter, as wholly out of time at present, and was convinced, that the main subject of the Bill was of sufficient magnitude to occupy the whole of their Lordships attention. He had, besides, hoped to have persuaded the noble Earl, that he had not examined the subject of the Act of Uniformity with the degree of accuracy that was due to a matter of such moment, by shewing his Lordship before hand, that he had omitted to take notice of several points essential to be considered and remarked in a general view of that question. His Grace proceeded to state, that the several matters cognizable and punishable by the Statutes mentioned by the noble Earl, as those referred to in the enacting clause of the Act for the Uniformity of public prayers, were applicable solely to the conduct of Ministers of the Church of England, who having taken an oath to uphold and maintain the Book of Common Prayer, were declared punishable in the manner proposed in those Statutes, if they held doctrines derogatory of that Book of Common Prayer, which they had solemnly sworn that they would uphold and maintain. With regard to the offences themselves, the noble Earl, his Grace observed, had not contended that they ought not to be the subject of some restraint; but had only argued against the excess of the restraint, and the severity of the punishment provided by the Statutes in question; and upon this

principle, and no other, his Grace remarked, the noble Earl had objected to them all. With regard to the penalties on conviction of not going to Church, they had been repealed in favour of the Dissenters by the Act of Toleration. After a few cursory, but pointed animadversions on those circumstances and illustrations of the Question of the Penalties &c. (to which ecclesiastics of the Church of England were liable by a variety of obsolete Statutes), that the noble Earl had omitted to take any notice of, his Grace concluded with declaring, that what his Lordship suggested, amounted, in his mind, to a pretty certain proof that the noble Earl had not given the subject due consideration.

Earl Stanhope. Earl *Stanhope* said, every friend to toleration would be happy to hear the sentiments of the Right Rev. Prelate. The reverend and learned Lord had, however, misconceived his meaning; the object of his Amendment was, not to make any alteration then, but to leave the subject open to discussion, as it was a subject of too much magnitude to be concluded by a side wind, which was an idea that no man ought to countenance. The Rt. Rev. Prelate, his Lordship observed, had mentioned several things that he had omitted. He had omitted them, his Lordship declared, on purpose, because he was not going to propose any thing respecting them at that time, but because the Clause ought not to stand as it did. It might as well enact that the Regent should not alter the *Habeas Corpus* Act. Who thought that he meant to do it? Or who thought that he was more likely to alter the Act of Settlement?

Bishop of Salisbury. The Bishop of *Salisbury* said, the noble Earl had declared, that he meant to bring the subject of those Statutes that were referred to in the 13th of Charles the Second, under discussion; whenever he did so, his Lordship said, he should be glad to hear what the noble Earl had to say upon the subject. When the noble Earl had talked of the persecuting spirit of those Statutes, would not any one who heard his Lordship, have imagined that they were prosecuting upon those Statutes with the utmost rigour? So far from it, those Statutes had long been buried in oblivion, and in all probability would have remained so, had not the noble Earl chosen to have called them forth to their Lordships recollection. Let the noble Earl produce a single instance in which any one of those Statutes had been put in force for more than a century past! The moderation of the
Church

Church of England was, his Lordship said, her boast and her chief pride. With regard to the part of the Clause in the Bill which restrained the Regent from giving the Royal assent to any Bill or Bills, for the repeal of the Act of Settlement, and the Act for the Uniformity of Public Prayer, such a restriction was, in his mind, equally wise and expedient, because it should be recollected, that the Regent having a delegated power, he ought to be restrained from doing that which no authority but that of the King upon the Throne ought to be able to effect. As he was then addressing the Committee, his Lordship said, he would take the opportunity of declaring, that every vote he had given in the progress of the business then under their consideration, was a vote arising out of clearest conviction of his mind, that the system was a wise system, founded in constitutional principles, and adapted to the exigency of the case with the utmost prudence and foresight. He was, his Lordship thanked God, perfectly independent. The goodness of Providence, and the bounty of his Sovereign, had set him above the reach of party influence! He spoke, therefore, and acted in that House, merely as his conscience dictated; and so satisfied was he of the excellence of the measures that had been pursued, that he could not sit down, without giving his thanks to the two great men who had piloted the vessel of State through a stormy and turbulent sea, with so much manly perseverance and immovable firmness, that the present age could not but look up to them with astonishment, nor was it possible for posterity to consider their conduct, without feeling an equal mixture of esteem and admiration.

The Bishop of *Gloucester* followed the Bishop of Salisbury, and spoke with similar expressions of feeling respecting the 13th of Charles the Second, and the penal Statutes referred to in the enacting clause of that Act, the objects of which, his Lordship remarked, went merely to enforce obedience to the rules and forms of the Church of England in the ecclesiastics of that Church.

Earl *Fitzwilliam* said a few words in favour of Lord Stanhope's Amendment.

Earl Stanhope, however, consented to let his Amendment be negatived, without urging the Committee to a division, declaring he was satisfied with having brought the subject under their consideration, and desiring it to be remembered that no one of the

Rev. Prelates, who had spoken on the occasion, had attempted to defend or justify the Statutes to which he had referred.

The Question being put, and the Clause ordered to stand as it was in the Bill, the Committee proceeded, and the Residency, Marriage, and Peerage Clauses, were severally ordered to stand. The Question was put on the last, but no division had.

Lord *Radnor* moved as an Amendment to the next proviso, (that enabling the Regent to grant the rank of Peerage to such of his Majesty's Royal Issue as should have attained the full age of twenty-one) to add, the words, "and shall be actually resident in Great-Britain."

Lord Stormont. Lord *Stormont* said, he hoped by the Amendment, it was not proposed to restrain the Regent from granting a Peerage to any one of the Royal Family as should be of full age, who might be employed abroad in a military capacity, in the public service.

Lord Radnor. Lord *Radnor* said, as soon as he returned into this country, he would be capable of taking it.

After some farther Conversation the Committee divided on the Amendment,—Contents 69. Not Contents 58.

The Amendment therefore was carried.

The Committee proceeded with the other Clauses, and made several Amendments in the progress of the different Clauses.

That respecting the Civil List Revenues occasioned a good deal of conversation between Lord *Stormont*, Lord *Hawkesbury*, Earl *Fitzwilliam*, the Duke of *Richmond*, Lord *Portchester*, and Lord *Radnor*.

At length the Committee came to the Clause investing the Queen with the care of the King's Person, when Lord *Osborne* moved to insert, "and such of the Royal Issue as have not attained the age of twenty-one," which was agreed to.

Lord *Rawdon* then rose to offer another Amendment in the same Clause; but it being proposed to report progress, and adjourn the Committee, it was agreed upon, and the House rose immediately afterwards.

Wednesday, February 18.

REGENCY BILL.

As soon as the Order of the Day for resuming the Committee had been read, and Lord Walsingham had taken his seat at the table,

Lord *Rawdon* rose, and after stating to the Committee that the Clause giving her Majesty full power over the King's Household, was setting up an authority in direct opposition to that of the person holding the executive Government, reminded their Lordships, that they with whom he acted had objected to the Restriction on which that Clause was founded, when it had been first proposed. That its object since had been explained, and that now they knew what that object was, their objections were substantiated. He recapitulated the three heads of argument, that had in former debates been advanced in support of it. The keeping the Officers in their situations, separate from the controul of the Regent, his Lordship contended, could not add any thing to the comfort and satisfaction of his Majesty, in his present unhappy situation, while the depriving the Regent of the attendance of those Officers was taking away from that state and splendour of personal appearance that were so necessary to his dignity. His Lordship said, he addressed not his argument to their Lordships, or to philosophers; they knew that obedience was due to Government from those who were governed, whether the person of the Governor was surrounded with splendour or not; but the multitude felt differently; with them it was necessary to work upon their prejudices, and to procure subordination and respect by the dazzling lustre of appearances. It had been said, that although the Household was withheld from the Regent, yet a substitute was to be provided suitable to the rank and importance of his office, but he well knew the feelings of his Royal Highness upon that subject, and it was a matter of deep regret to him, that his taking upon himself the Government of the kingdom during his Majesty's illness, was to throw a new weight upon the Nation. His Lordship contended; that this proposition was erroneous in every point of view. During his Majesty's illness the question resulted, would they have a Government or

Lord
Rawdon.

not? The Bill said, what the people felt, viz. that a Government was necessary, but how could a Government go on with the combination in the Bill, the provisions of which had proceeded from a false but generous principle of attachment to the Sovereign? No part of it was in his mind more reprehensible than the Clauses respecting the Queen. They were going to give her Majesty a power and government of money to an extent she had never known before, and which of course was liable to great abuse. The Prince, his Lordship said, had an evident interest in the due management of the several concerns intrusted to the Queen, but her Majesty had no interest whatever. His Lordship added a variety of other pertinent observations stated with great ingenuity, and at length concluded a very able speech with moving to insert after the words, "also the direction and government of" words to the following effect, "such part of his Majesty's Household as shall be deemed necessary to attend on his Majesty during his illness." His Lordship explained, that if this amendment should be carried, he designed to follow it up, by moving *seriatim*, what Officers of the Household he meant to place under her Majesty's power and controul.

Earl Hopetoun. The Earl of *Hopetoun* objected to the Amendment, and adduced a variety of arguments to shew, that it tended to introduce a new arrangement totally foreign from that which the House had already discussed and argued, and such as in all probability they would not be disposed to make. His Lordship reminded them, that the whole Bill was founded on the principle that it was a temporary measure, calculated to answer a temporary purpose; whereas it was obvious, that the proposed Amendment proceeded on a permanent principle. That his Majesty's indisposition was to continue long, the Earl said, was neither consonant to their Lordships feelings, nor to the feelings of the country. It was, in his mind, improper to separate the Officers of the Household, and divide them into classes. He had no objection to giving the Regent not only all the necessary authority for carrying on the Government, but all the splendour and brilliancy that the dignity of the high office of Regent required. They were to recollect, that they were putting the Prince's hand on the Chair of State, not placing his foot upon the Throne. It was said, his Lordship observed, that what was given

to the Queen was taken from the Government. He denied the truth of the assertion, and contended that the idea of influence in either House of Parliament attending the nomination of places in the Household, was unparliamentary, and that the Government that depended on such a petty and circumscribed support, as that paltry pittance of influence, must be a poor and miserable Government indeed!

The Earl of *Radnor* said, the noble Lord had not explained the whole extent of his Amendment, and till he heard what it was to lead to, and know its full extent, it was impossible for him to say, whether he could support it or not. Earl of Radnor,

Lord *Rawdon* said, his object was to follow the Amendment, if carried, with motions *seriatim* separating those Officers, who could not exercise any present functions of their offices, from the controul and appointment of her Majesty. Lord Rawdon.

The Earl of *Radnor* said, the noble Lord had not yet quite clearly explained himself, but he rose to support the principles which, he presumed, the noble Lord approved. The noble Lord's Amendment did not entirely meet his ideas, and therefore he would explain what he meant; an explanation which he should give without designing offence to any individual, and which offence, he thought, he could not give, as he went on the principles established at the Revolution. His Lordship declared, he took the Clause to be neither more nor less, than conferring on the Queen a direct and notorious influence in both Houses of Parliament. He had argued and voted against the famous India Bill of 1783, his Lordship said, because he conceived it to go to the creation of a powerful influence, which if united *with* the Crown would have made it too strong, and if exercised *against* it, would have rendered it too weak. In speaking of the present situation of affairs, his Lordship said, he would use some plain, strong words, but they should be but few. If his Royal Highness the Prince of Wales was affectionate to his father, and acted wisely, he would continue, as much as might be, the present measures and the present Ministry. That was the advice he would give him as a Counsellor; but speaking as a Member of Parliament, if the Prince thought proper to exercise that discretion with which he would be constitutionally invested, and should choose to change the Ministry, he would not be one to establish a possibility of hampering his measures. Earl of Radnor.

Lord Stormont. Lord *Stormont* rose to say, that the Amendment was such as he should imagine the noble Earl could not oppose, because it went to nothing specifick, but only opened the door for farther amendments. His Lordship said, he was anxious to procure the powerful support of the noble Earl, who had spoken in as dignified and parliamentary a manner as he had ever heard.

Lord Radnor. Lord *Radnor* read a Clause, that he had drawn and meant to introduce, the object of which was among other provisions to separate the nomination and appointment of the noble Lords with white Staves (the Lord Chamberlain and Lord Steward) from the controul of the Queen, but to render them subservient to her Majesty's order.

Duke of Richmond. The Duke of *Richmond* objected to Lord Rawdon's Amendment, because the noble Lord had not explained the whole that it was intended to go to. His Grace contended, that if the Amendment were agreed to, they necessarily ought to move that the Great Officers of the Household should be removeable by the Regent. He reminded the Committee, that his Majesty was to be considered as King of this country, notwithstanding his present situation, and that it ought to be remembered that under the present Bill, the Prince of Wales was the son of the King acting as Regent, but not the King; a difference and a distinction which the Prince ought to feel in every step he took. As Prince of Wales and Regent, he ought undoubtedly to have great splendour, but not the same as the King himself. His Grace said, till he knew how the noble Lord, who spoke first, meant the Great Officers of the Household should be removed, he could not argue against his proposition; but if the proposition contained in the Clause just read by the noble Earl was substantially the same, one answer would do for both. If the controul were removed over those offices, they removed the responsibility, and it was necessary that the responsibility should remain.

Lord Rawdon. Lord *Rawdon* rose again, (and after reminding the Committee that he had before stated that he should, if the Amendment was carried, move *seriatim* what officers should be under her Majesty's controul, and what not,) said the noble Earl had shewn him his Clause, which he thought would completely answer the object of what he had intended for his second motion, and would obviate the charge of influence; he therefore would substitute the noble Earl's Clause,

Clause, as the subject of his intended Motion, if the Amendment should be carried. His Lordship alluded to the possible conjuncture of affairs that might arise from the State of Europe to make negotiations with foreign powers necessary, and put the case, that the influence of the Household might be exercised adversely to the existing Government, in the midst of a proceeding deemed essential to the safety and security of the country, which, it might tend to check and prevent.

The Duke of *Richmond* replied, and treated the idea of a parliamentary influence resulting from the placing the Household under the power and controul of the Queen as a matter too insignificant to merit much notice. His Grace alluded to the two former Regency Bills, and contended, that the present Bill gave the Regent infinitely larger powers, than the Regent under either of the two former Bills would have possessed. Duke of Richmond

Lord *Stormont* spoke for the Amendment. His Lordship said, that so far from its appearing to him a paltry subject and not likely to cripple Government, he meant to go on the ground of its crippling Government most dangerously and fundamentally. In former Regency Bills, he saw the whole executive powers of Government given. It was not the attempt of men in those times to curtail the authority of the Regent, because they knew the whole powers of the Crown were necessary to carry on Government. It was said, that in former Regency Bills, the power was divided between the Regent and a Council, but it was forgot, that *all the Princes of the Blood* were in that Council. Had the example of former Regency Bills been followed, he was free to say, he should have opposed it, because he thought those Bills liable to strong objection; but so far was he from giving the noble Duke and his Colleagues credit for not having followed the example before them, he thought, unwise and impolitic as those Regency Bills had been, they were more wise and more politic than the present. When they instituted a weak Government, they knew not the extent of the mischiefs that might ensue. His Lordship declared he did not fear any thing from open bold ambition, but he dreaded every thing from that dark mean ambition, which worked like a mole under ground, undermining all above it, and attempting by anticipation to weaken that Government in which it was not to have a share, and to cripple Lord Stormont.

cripple what it dared not oppose. The patronage of the Household, he said, extended to all the offices, and was not less than one hundred thousand pounds a year, which amounted to more than all the offices suppressed by the Bill of 1782. (Mr. Burke's Civil List Reform Bill). It was an influence that was not trifling, but extending far and wide, and, as the promoters of it themselves thought, of most pernicious consequence. His Lordship reprobated the idea of appointing great Officers of the realm, who could be of no service to the King whatever during his present situation, to be under the Queen's controul, because her Majesty was entrusted with the care of the King's person. He alluded to the Lord Chancellor's celebrated speech a few weeks since, when the Resolution, on which the Clause was founded, was under consideration, and said it was rather an address to the Public than to that House. Those great Officers of the Household, he said, were Officers of State, annexed rather to the Kingly Office, than to the person of the King. Did any of those Officers attend the King, except when he appeared in public the Representative of Majesty? It was, he said, an extraordinary mode of keeping up the Majesty of the Crown, by not suffering the Regent to have the State that customarily surrounded the Crown. What was the reason that the Lord Lieutenant of Ireland always appeared with so much splendour? It was to signify the greatness and majesty of the King he represented! If the multitude were to see the Regent going to the House in his father's state coach, drawn by the cream-coloured horses, they would cry, "There he goes in his father's coach, we hope we shall soon see the father himself there." The father's image would recall the memory of the father.

It was true, his Lordship said, the Regent would make as great a figure as the King of Prussia, except on certain particular occasions. But the cases were not similar. In Prussia, which which was a military government, the most captivating and politic appearance the Sovereign had to maintain was rather that of a camp than a court. The case was different with us; in a great manufacturing country like this, splendour and outside show were absolutely necessary. Nor was it for the Prince that it was asked; to him the situation of Regent was a situation of *painful pre-eminence* and *royal servitude*; the object was to have the splendor and ostentation which pleased the multitude.

multitude. The Lord Steward and Lord Chamberlain, his Lordship said, were great Officers of the realm (so defined in the statute of precedence), always Members of the Privy Council, and constantly of that Select Council in which the King was to exercise the greatest prerogative of the Crown, that of mercy! The office of the Lord Steward was as an office of jurisdiction. He had ever understood, his Lordship said, the King was the fountain of office. The Bill made the Queen the fountain of office, and yet some noble Lords had said it was constitutional. There was, his Lordship observed, an impetuosity in the present Administration that bore down every barrier of the Constitution. He enumerated the various offices under the controul of the Lord Chamberlain, mentioning the Board of Works, the Jewel Office, &c. Even the Master of the Ceremonies, he said, would be under the Queen, and therefore if the Regent had occasion to receive a foreign Ambassador, he must send to her Majesty and *borrow* Sir *Clement Cotterel* for the day! His Lordship added a great variety of arguments, and before he sat down, observed, that it had been said in another quarter, that the Queen could have no political views. Her Majesty, he well knew, deserved veneration, and he would say of her, what the Constitution directed them to say of the King, *that she could do no wrong*, but her advisers might, who had power without responsibility. Her Majesty would have flatterers about her. Cabal and artifice would find their way into her house, since he knew of nothing in the air of Kew Palace that had the power to keep away the vermin that were always about a Court. His Lordship took notice of Lord Hopetoun's observation, that it must be a miserable Administration indeed, that needed such supports, as the patronage of the Household could furnish, and turned it into ridicule.

Lord *Hawkesbury* said, all the powers given by former Regency Bills, where the Regent was to be hampered with a Council, in his mind, by no means enabled a Regent to set up so strong a Government as he could do, under the present Bill, where he stood free and unfettered, excepting only by a few Restrictions. With regard to the opinion of a noble Lord (Lord Rawdon), that all Governments were nothing more than a combination of Precedents: in absolute and despotic Governments, his Lordship said, it was not always so, but in a free Government like ours, sure he was the security of obedience,

Lord
Hawkes-
bury.

dience, and what enabled the few to govern the many, was the sense the people entertained of their own power, exercised through the medium of their Representatives in Parliament: and so the best writers on the Constitution had defined it. With regard to the question of the Household, unless their Lordships altered the whole system of his Majesty's family, they could not put the Household on any other situation. The Household, in fact was, under the operation of the Clause, to be the Household of her Majesty. It was to be carried on in the House in which the Queen lived, and would their Lordships say, that the Queen ought not to have the controul over that Household? His Lordship denied that the Lord Chamberlain and Lord Steward were mere Officers of State, never on duty, but when the King appeared in public as the Representative of Majesty. They had, he said, many other essential duties. Had they forgot a noble Earl, Earl Talbot, who by his own management and œconomy reformed much of the Household, and saved a considerable sum to the nation? Besides, by the Bill of 1782, the Lords of the Treasury were expressly directed to issue no money for the payment of the Household, but to the Lord Chamberlain and Lord Steward, or according to their warrants. To put those officers, therefore, under any other person, would be wronging her Majesty in her Household. The whole amount of the Household Offices, his Lordship said, was about 100,000*l.* of which no more than 33,000*l.* related to Officers having seats in either House of Parliament. Would the Country deny such an additional expence, as 33,000*l.* for a short time only, to support the dignity of the Regent, rather than suffer his Majesty to be stript of all his Household Officers? Or was the Administration, that was to be, afraid of the operation of the influence arising from so paltry a sum?

Earl
Faucon-
berg.

Earl *Fauconberg* rose to deprecate any suggestion that tended to call in question the purity of her Majesty's intentions, which he conceived to have been doubted by Lord Stormont. The Earl spoke of her Majesty's character in terms of the most ardent zeal, and the most marked respect; and particularly expressed his astonishment, that such a moment as the present, when her Majesty's breast might well be supposed to be occupied by the most poignant and distressful feelings, should be chosen for insinuating, that her Majesty could be capable of harbouring and countenancing a political

cal faction, whose object, it had been said, it would be to counteract and embarrass her son's Government. What was there, his Lordship asked, that could possibly be supposed to warp her Majesty's amiable disposition, and induce her to act in a manner, at once so unnatural and so inconsistent with her own conduct hitherto? It appeared to him to be a circumstance so improbable, that he had heard it seriously stated with an equal mixture of regret and astonishment. His Lordship took notice of various arguments that had been urged to prove, that the Lords of the Bedchamber were capable of being bought. He declared, there was but one description of Peers, who were fit to be Lords of the Bedchamber, against whom no suspicion of the kind would lie, and that was the Roman Catholic Peers. He repelled the suspicions suggested against the parliamentary independence of the various Officers of the Household, and rejoiced in having had it in his power to support the measures of one of the ablest and best Ministers that perhaps ever had been at the head of affairs. As proofs of the Minister's ability and wisdom, he desired the state of our Manufactures and Commerce, the prices of Stocks, and the credit of the Country at home and abroad, to be considered. After expatiating upon these topics for some time, his Lordship concluded with repeating his warmest assurances to the Committee, that he well knew her Majesty to be incapable of acting in the manner, in which it had been stated as possible for her to act, declaring, that he had long had the honour of being a witness to a conduct not only the most irreproachable, but the most praise-worthy that ever distinguished a female, and that he should therefore be ungrateful indeed, if he sat silent, when her Majesty's character was called in question.

Lord *Stormont* in explanation said, that he had spoken of her Majesty in terms of the greatest respect; he had said, she merited Lord *Stormont*.
 veneration, and that she was incapable of doing wrong, but he had supposed she might have had advisers. There was an end of the freedom of debate, if that supposition might not be stated. His Lordship declared he had, in the course of his life, had many opportunities of knowing the amiable character of the Queen, and how much veneration she was entitled to. He had once before praised her for having never meddled in the most distant way in politics; he therefore wished, and he again repeated his wish, that
 her

her Majesty was removed from the possibility of being furrounded by ill advisers, and that she had not been intrusted with one atom of political authority.

Earl of
Carlisle.

The Earl of *Carlisle* said, it was to him rather extraordinary, that those who sat near him should so often have occasion to declare, that it was not their wish to take any thing from the splendour and decoration of his Majesty, that was *now* necessary. Their wish was merely to *borrow* that splendour and decoration which was not necessary for the King in his present unfortunate situation, and *lend* it to the Regent, to whose situation and condition it was necessary. When the King became well, it would return to him as quick as light. His Lordship laid considerable stress on this transition, and said, the noble Lord who had lately spoken (Lord Hawkesbury), had talked of the difference between the power of a Regent, under the former Bills of Regency, and under a Bill with a *few* Restrictions; let the noble Lord recollect, that in the former Regency Bills no one power of the Crown was suspended, and then let him look to the present Bill, and say, what possible Restriction could be added to cripple and weaken the Government.

Lord
Sydney.

Lord *Sydney* in reply, said, there were many Restrictions that might have been added, of ten times the tendency to cripple the Government, compared to those contained in the Bill. The Regent was left with all the great power of Government, and there was not in his opinion the smallest ground for asserting that the Bill would really weaken his Government. Let them consider who the Regent was? a Prince of Wales of high character, of amiable manners, greatly beloved, and in the flower and vigour of his youth! The Restrictions imposed were, it was well known, only provided with a view to his Majesty's temporary illness. If the Household were not put under her Majesty's controul, though the Regent might not wish, himself, to change the Great Officers of the Household, in this *evergreen* age, who knew but some person about him might persuade him to do so. Political speculatists were governed by their hopes, and would look forward as long as they had existence. There was now no man so old and decrepit, no man but who *sans* teeth, *sans* eyes, *sans* ears, *sans* every thing, would hobble on, and not merely court his favour by political cringing, but do so by affecting to partake the youthful pleasures of the Prince. The noble

Lord's

Lord's Amendment, as explained by his Lordship, Lord Sydney declared, shocked him. Did they recollect his Majesty's present situation? That he had been declared *convalescent* in a report signed by Dr. Warren, whose word, he believed, would scarcely be doubted. Though his Majesty, therefore, might not yet be in a state to take upon himself the conduct of public business, he might be able to indulge himself with the private conversation of those he had been accustomed to converse with. Suppose he should ask for a Duke of Roxburgh, or a Lord Winchelsea? What answer must be made? He must be told they were gone. Some stern Cato had removed them from their offices! Would their Lordships hear such a case stated, and hear it with patience? Were the Lords of the Bedchamber to be treated as a body of Jannifaries? He remembered in his time, the Bedchamber filled with some of the highest characters of the country. At present the Lords of his Majestys Bedchamber were most respectable, and yet it was supposed, that they were to be influenced by persons out of office. His Lordship took notice of Lord Stormont's mention of her Majesty, and said, he always doubted, in proportion as the noble Viscount dealt in expressions of respect; he had in fact began to tremble when the noble Viscount had said, what the law of the Constitution obliged him to say of his Majesty, viz. that the Queen *could do no wrong*, and the noble Lord had verified his fears, by instantly adding, but her advisers might; which was the best way to get off. His Lordship expatiated on the Queen's character, and asked, if it were likely, that a woman who had been twenty-seven years among us, and never meddled with politics, would change her house, which was, and must be, a house of distress, as long as the King's illness continued, into a house of faction, for the purpose of opposing her own son. He declared he had as much respect for his Royal Highness as any one else, but he did not see that the state of a Regent ought to be exactly the same as the state of a King. He asked, if any one had heard in the reign of George II. when the Prince of Wales was Regent, that he had the attendance of the Lord Steward. With regard to the wish being only to *borrow* some of the splendour and decoration of the King to *lend* it to the Regent; he said, if he were to be ill, and during his illness any thing that belonged to him

should

should be borrowed without his consent, he should think it was something very like *taking it away*. His Lordship added other arguments against the Amendment.

Lord
Rawdon.

Lord *Rawdon* ironically complimented Lord Sydney on the graceful turn of his eloquence, and the peculiar beauty of the flowers of his rhetoric, with which he generally addressed their Lordships, but not being able to reach the same sublimity himself, his Lordship said, he must be content to address the Committee in an humble tone, but not he hoped in a manner that was not level to their understandings. In the course of his speech, his Lordship denied that he had said, that all the power of Government depended on prejudice in all countries; he had only meant, that it was necessary by the outward state and splendour that surrounded the person of him, who exercised the supreme authority, that the prejudices of vulgar minds were worked on. The noble Lord (Lord Hawkesbury) he observed, had stated the virtues of the present Administration; he declared, he had no objection to hear *a political swan sing forth the funeral dirge of his own departing power*. If the people, however, had hitherto thought highly of the conduct of Ministers in the Regency business, it was because they had misconceived it, and saw it in a wrong point of view. If any thing could open their eyes, it was, his Lordship said, the decisive manner in which the Parliament of his country had acted, in respect to the same subject. Ireland had thereby shewn that she deserved to have that Constitution, which she had so nobly earned. His Lordship added an explanation of the object of his motion, which was, he said, that such part of the Household as could not in the present case attend on his Majesty, should attend on the Regent.

Lord
Sydney.

Lord *Sydney* said a few words in defence of himself, from the charge of having used coarse language, which he conceived Lord Rawdon had imputed to him.

Lord
Hawkesbury.

Lord *Carlisle* and Lord *Hawkesbury* rose together, but the latter obtained the hearing, by saying, that he hoped the *political swan* would be permitted to sing a few more funeral notes. His Lordship repeated his former observation, that in every degree of Government whatever, the confidence of the people in their Governors arose from the opinion they entertained of their own share in that Government. His Lordship also repeated his argument, that as her Majesty was

to

to have the care of the King's person, she ought of necessity to have the power of managing the King's Household, which while she held the care of his Majesty's person, in fact, became, as it were, her own Household.

The Earl of *Carlisle* defended the allusion to the supposed influence, that separating the power over the Household from the other powers of the executive Government, from the charge of being unparliamentary, contending that nothing could be more parliamentary.

There was here a considerable call for the Question.

Lord *Kinnaird* however rose, and reprobated the Clause as the grand climax of those dangers to the Constitution, with which, his Lordship said, the whole Bill was fraught. He declared, he conceived himself to be a friend to the Constitution when he said so; and as to the case put by a noble Secretary of State, that if the Amendment were adopted, and his Majesty, on his recovery, should call for a Duke of Roxburgh, or a Lord Winchelsea, they would not be to be found; that was, in his mind, a direct charge upon those noble persons of a want of disinterested affection to his Majesty; it was directly saying, that they were influenced solely by the emoluments of their offices, and not by any other and more honourable ties of regard and reverence. He contended, however, that the imputation was unmerited, and that if his Majesty should call for those noble persons, and they should have been removed from their places, they would be to be found, and be as ready to gratify the wishes of his Majesty as if they were in office. With regard to the Amendment's taking away the appointment of the Officers of the Household from his Majesty, the Clause itself took from the King that appointment and vested it in the Queen, as all the officers of the Household were removeable in her Majesty's name, and not, as was the case, in other parts of the Bill, in the name and on the behalf of his Majesty. His Lordship concluded with reading a printed paper, containing sentiments adverse to the general tenour of the Bill, but what the paper purported to be, we could not hear from the great impatience of the Committee for the Question.

The Question was at length put, and the Committee divided,

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The Amendment was consequently negatived.

Earl *Bathurst* then moved to report Progress and adjourn.

This occasioned a considerable degree of conversation.

Lord *Loughborough* and Lord *Stormont* stated, that there were certain places for life in the Household, which, as the Clause stood, it would be in her Majesty's power to give away ; and they reasoned upon the impropriety of vesting her Majesty with a power from the exercise of which they had restrained the Regent.

Duke of Richmond The Duke of *Richmond* said, the objection was perfectly new to him, and at the same time it appeared to be of so much serious importance, that he wished for some time to consider it thoroughly. He should be extremely sorry to give his assent to any Bill, containing a Clause that indirectly gave the Queen a power, which he was by no means willing, either directly or indirectly, to invest in any person during his Majesty's temporary indisposition ; he therefore hoped the Committee would agree to the Motion, " That the Chairmain be directed to report Progress."

Lord Thurlow. Lord *Thurlow* said, when the Clause came to be examined, he did not believe it would be found liable to the objection that had been stated ; but even should that be the case, it would be extremely easy to remedy the inconvenience by afterwards introducing a new Clause, by way of Proviso, for the express purpose of excepting any such use being made of the power vested in her Majesty.

Lord Walsingham on this put the Question, that the Clause thus amended (as it had been by Lord Osborne (Marquis of Carmarthen) on Tuesday), stand part of the Bill?—This was agreed to.

Another conversation arose in this place upon the Question of reporting Progress, many noble Lords calling out to *adjourn*, and others to *go on*.

Lord Stormont. Lord *Stormont* said, he wished to deprecate nothing so much as mispending their Lordships time, and therefore it would be wise to decide directly one way or the other, or they might lose as much time in agitating a contest whether they should report Progress or not, as it would take them to go through the next Clause.

Earl of Carlisle. The Earl of *Carlisle* said, the preceding evening, it had been privately understood, that it would be for the convenience of certain individual Lords, that they should report Progress and adjourn at nine o'clock, on which it was agreed to adjourn, each side of the House understanding that they were to come down next day, and get

get through as much of the Bill as possible. But was it to be a regular custom, that they were to deem half after nine too late an hour to go on, and that, when their Lordships had a Bill before them of such infinite importance?

The Duke of *Richmond* declared, it was by no means his wish to report Progress, merely because it was half after Nine, but because the next Clause was a very important one, and would call forth so considerable a degree of discussion, that in all probability they would not be able to go through it that night, if they entered upon it at all. Duke of Richmond

The Earl of *Carlisle* remonstrated against such extraordinary conduct, which had all the appearance of an artificial delay. His Lordship said, they did not begin business till Five o'clock, and after four hours debate, at half after Eight, or within a quarter of Nine, they were to be told of the lateness of the hour. His Majesty's Ministers, he said, were to blame for not coming down to the House till Five, although they had not now the usual excuse of having his Majesty to attend; by such conduct on their part, the noble and learned Lord on the Woolfack could not begin business till Five o'clock, or after that hour. Earl of Carlisle.

The Duke of *Richmond* and the Lord *Chancellor* each said a few words, to prove that they were always ready to enter upon business earlier, but that without imputing more blame to one set of men than to another, the House generally speaking was so thin till Five o'clock, that it was not proper to begin any business of importance before that hour.

The Earl of *Carlisle* declared, he had not intended to point what he had said at either the noble Duke or the noble and learned Lord. Earl of Carlisle.

The Marquis of *Stafford* said, as it had been urged as a matter of complaint that business began at too late an hour, the best and most effectual way to prevent there remaining any cause for a similar complaint, would be for them to resolve to meet at half after Three, and proceed immediately to business. Instead, therefore, of going into the important debate, that the next clause would in all probability occasion, suppose it were generally understood, that the noble and learned Lord would take the Woolfack the next day at half after Three precisely?

Lord
Stormont.

Lord *Stormont* would not agree, that because it was half after Nine or Ten o'clock at night, that therefore it was too late to go on with a Bill of that importance. His Lordship said, he had known the House sit till Two in the morning, and no man who weighed the business then before the House, would deny that the Bill was of greater importance than the Irish Propositions, important as those Propositions undoubtedly were. The delay that had already taken place, he declared had been extraordinary. If however Ministers were willing to take upon themselves the responsibility for the delay that had taken place, and might yet happen, he had no objection. Let them adjourn for a month if they pleased, so as they confessed themselves responsible for the consequences. They knew the business best, and if they chose to delay and drive the Bill off till so late a period, that it would put other great and important Bills, that must soon be passed, in danger of not being passed in time, they did it at their own risque, and it was not for him, standing in the situation that he did, to urge the critical state of affairs at home and abroad, and the various dangers that might ensue. If they did not then go on, however, they would lose a whole day, and that he thought it fair to mention.

Marquis
of Town-
shend.

The Marquis *Townsend* said, if they imagined they could get through the Clause in three or four hours, he would as readily consent to go on as any Peer in Parliament, but the Clause would involve the Committee in a great deal of discussion, and perhaps they would save no time by entering upon it then. The Marquis acquitted Ministers of intentional delay, and said, if they had been monopolizing Ministers, who were determined to carry every thing with an high hand, and force the Bill rapidly through the House, he should hold them to blame, but considering the magnitude and importance of the Bill, he really thought they had made every reasonable dispatch.

On the Question put, "that the Chairman report progress," it was carried without a division.

Thursday,

Thursday, February 19.

REGENCY BILL.

As soon as prayers were over,

The Lord *Chancellor* left the Woolfack, and informed the House, Lord
that since his Majesty's Physicians had pronounced him to be in a state Chancellor
of *Convalescence*, the accounts of his Majesty's progressive improvement
had increased from day to day, and the intelligence from Kew was that
day so favourable, that he conceived every noble Lord would agree
with him in acknowledging that it would be indecent and improper
to go on with the proceedings in which they were engaged, under
the present circumstances, when the principle of the Bill might
possibly be entirely done away. Every one of their Lordships, he
was persuaded, would entertain the same sentiment on the same sub-
ject, and amidst the general joy that the happy and reasonable ex-
pectation of his Majesty's speedy return must occasion, he had no
doubt that the House would agree with him, that it would be better to
wait a few days, to see what progress towards a perfect and complete
recovery was made in his Majesty's health, before they went further
with the Bill appointing a Regency. Congratulating their Lord-
ships and the Country therefore on the favourable prospect of that
event, to which the wishes and prayers of all his Majesty's subjects
were directed, he would humbly submit to their Lordships the pro-
priety of the Committee's being adjourned till Tuesday next, and by
his Majesty's then situation in point of health; their Lordships would
be enabled to judge, how far it would be necessary or proper to go
on with the proceeding.

Lord *Stormont* said, he rose with more satisfaction, and with a Lord
degree of joy nearer to his heart, than he had ever felt in any pe- Stormont
riod of his life. He rejoiced that they had now a reasonable ground
of hope for his Majesty's speedy recovery, an event which he the
more rejoiced in, as he considered it as likely to secure the salvation
of the country. Regencies were at all times, his Lordship said, ex-
pedients which the necessity of the case might require, but which
no man who knew any thing of political effects, would wish that oc-

caſion ſhould ariſe to create. With regard to the preſent Regency Bill, he muſt take the liberty of ſtating, that he conſidered it as an aggravation of the calamity with which the country had been afflicted: he rejoiced therefore for him, who, if the favourable proſpect that had been opened to them by the noble and learned Lord, ſhould be realized, would find himſelf delivered from the hard duty which the neceſſity of the caſe would have impoſed on him, and which nothing but a neceſſity ſo urgent, could have induced him to undertake. Even under the difficult and embarraſſing circumſtances preſcribed by the preſent Bill, he was convinced the Prince of Wales would have ſhewn at leaſt an earneſt of that political wiſdom and conſtitutional zeal, which might be expected from him, when he ſhould by a courſe of nature ſit upon the Throne. It was reaſonable to expect, that his eyes would be cloſed long before that time arrived, but there were Lords preſent, who might live to ſee the day to which he alluded, and who he had no doubt would feel the benefit, and acknowledge the truth of his prediction. His Lordſhip ſaid, he would ſit down, making only this ſingle obſervation, which he had thrown out the preceding evening in general argument, viz. that thoſe who had the Government of the country in their hands, who knew the real ſtate and preſſure of affairs both at home and abroad, much better than they could pretend to do, muſt take upon themſelves to anſwer for every inconvenience that might ariſe from the preſent or any future delay. They muſt be reſponſible for the conſequences; conſidering therefore that this was fair to ſuggeſt at that moment, and that it would be allowed that it was ſo, he ſhould chearfully give his conſent to the Motion of the noble and learned Lord, and to every delay that might be propoſed. His Lordſhip added, that he was exceedingly happy to find, that things were likely to flow back into their regular and natural channel, a circumſtance that could not but afford general and ſincere ſatisfaction.

Duke of
York.

His Royal Highneſs the Duke of York. “I truſt your Lordſhips will do me the juſtice to believe, that no perſon in the Houſe could feel equal pleaſure with myſelf from the favourable account which the noble Lord on the Woolſack has given, and the Motion he has made to the Houſe, in which I entirely concur. I ſhould have had great ſatisfaction in making the ſame communication to the Houſe, if I had been enabled to do it from any certain information. I
thought

thought it my duty yesterday, upon the favourable reports given to the public, to request to be admitted to his Majesty's person. From reasons, very justifiable I have no doubt, it was not thought proper that I should have that satisfaction.

“ From the knowledge I have of my Brother's sentiments, though I can have had no immediate communication with him upon the subject of this Motion, I am convinced that he will feel equal, if not greater pleasure than myself, at the hopes of his Majesty's recovery; as it must relieve him from the embarrassment of the situation in which the Bill would have placed him, which nothing but a strong sense of his duty to the public would have induced him to undertake.”

The Committee was adjourned to Tuesday, and the House rose immediately, having also adjourned to that day.

Tuesday, February 24.

HIS MAJESTY'S HEALTH.

The Order of the Day being read for the House to resolve itself into a Committee on the further consideration of the Bill, intitled, “ An Act to provide for the care of his Majesty's Royal Person, and for the Administration of the Royal Authority, during the continuance of his Majesty's illness,”

The Lord *Chancellor* left the Woolfack, and said, the accounts of the progress that his Majesty made towards recovery, continued to be so favourable from day to day, that he presumed the same reasons that before actuated their Lordships, and induced them to adjourn last Tuesday, would prevail for a further delay, and incline them to adjourn for a few days longer. He should therefore move to adjourn till Monday next.

The Duke of *Norfolk* said, though they had not any regular evidence before them to contradict the testimony of his Majesty's Physicians delivered formerly upon their examination, yet the account of his Majesty's health came so well authenticated from the noble

and learned Lord, who was known to have had personal interviews with his Majesty, that no doubt could be entertained of the fact. He should be happy to hear, however, what were the present appearances of his Majesty's health, and if his Majesty should continue in the same progressive state of amendment, though not able to take upon himself the actual business of the Regal station, what steps would be to be pursued after the period of Adjournment proposed, and whether another examination of his Majesty's Physicians would take place. His Grace alluded to the Bills that must of necessity pass by a certain time next month, and said, he conceived it could not be improper to communicate the intentions of his Majesty's Ministers.

Lord Chancellor The Lord *Chancellor* said, he had no difficulty in rising to answer the questions of the noble Duke, that as for his apprehension and judgment (not being a Physician, nor conversant with such subjects) could enable him to form an opinion of his Majesty's understanding, the posture of his Majesty's mind appeared to be clear and distinct. Perhaps, his Lordship said, he was the best person to put such a question to, because, not having the opportunity of being near his Majesty's person, he had apprehended more for his Majesty, than it now appeared had been absolutely necessary; and thence it was, that he had from time to time received much consolation from the reports of those most competent to give him information upon the subject. With respect to the late interviews that his Majesty had commanded him to have with him, he had been in his presence at one time for an hour and a quarter, and that day for a full hour; during both which times he had found the posture of his Majesty's mind to be clear and distinct; so much so, that he appeared to be perfectly capable of conversing on any subject that might be proposed to him. With regard to the second point to which the noble Duke's question referred, whatever step might be proposed, it ought, he should conceive, to be grounded on a view of his Majesty's health, as near to the moment of the proceeding as possible, and therefore it was impossible for him at that time to anticipate the measure, or say what it might be.

The House adjourned to Monday next.

Monday,

Monday, March 2.

The Order of the Day being read for the House to resolve itself into a Committee on the Bill to “Provide for the care of his Majesty’s Royal Person, and for the Administration of the Royal Authority during the continuance of his Majesty’s illness,”

The Lord *Chancellor* rose and said, the accounts of his Majesty’s health being every day more and more favourable, he should content himself with reminding their Lordships, that their late adjournments had been proposed on the principle of bringing the pressure of public affairs as gradually as possible under his Majesty’s view, and therefore on the same principle he should move, “That the Order of the Day be adjourned to Thursday next.” Lord Chancellor

The House adjourned till Thursday.

Thursday, March 5.

The Lord *Chancellor* said, their Lordships had adjourned last Monday, and indeed delayed proceeding with the Order that had been just read, from time to time, under the idea that it was proper to afford his Majesty as much space for recovery, before he engaged in business, as could be consistent with the pressure of Public Affairs. Since their last adjournment, his Majesty found his health so much better established, that he was in hopes of communicating to that House, on Tuesday next, such other public business as was necessary to be laid before them for their consideration and dispatch. He should therefore move, that the Order be further adjourned to Tuesday next.

Tuesday, March 10.

As soon as Prayers were over, the House adjourned to robe, and the Lords Commissioners, viz. The Archbishop of Canterbury, the Lord Chancellor, the Marquis of Carmarthen, Lord Sydney, the Duke of Chandos, and the Earl of Salisbury (being in their robes and

and seated), the Gentleman Usher of the Black Rod was sent to the Commons to desire their immediate attendance, and the Speaker being at the Bar attended with a great number of Members, the Lord *Chancellor* acquainted both Houses with the reason of their being called together, viz. that a Commission had passed the Great Seal with his Majesty's Sign Manual, which he directed to be read by the Clerk.

The Lord *Chancellor* then delivered the following Speech to both Houses :

“ My Lords and Gentlemen,

“ His Majesty not thinking fit to be present here this day in His
 “ Royal Person, has been pleased to cause a Commission to be issued
 “ under His Great Seal, authorizing and commanding the Com-
 “ missioners who are appointed by former Letters Patent to hold
 “ this Parliament, to open and declare certain further causes for
 “ holding the same : which Commission you will now hear read.”

And the same being read accordingly, the Lord Chancellor then said,

“ My Lords and Gentlemen,

“ In obedience to His Majesty's Commands, and by virtue of
 “ both Commissions already mentioned to you, (one of which has
 “ now been read) we proceed to lay before you such further matters
 “ as His Majesty has judged proper to be now communicated to
 “ His Parliament.

“ His Majesty being, by the blessing of Providence, happily
 “ recovered from the severe indisposition with which He has been
 “ afflicted ; and being enabled to attend to the public affairs of His
 “ kingdoms, has commanded us to convey to you His warmest
 “ acknowledgements for the additional proofs which you have given
 “ of your affectionate attachment to His Person, and of your
 “ zealous concern for the honour and interests of his Crown, and
 “ the security and good government of His dominions.

“ The interruption which has necessarily been occasioned to the
 “ public business will, His Majesty doubts not, afford you an
 “ additional incitement to apply yourselves, with as little delay as
 “ possible, to the different objects of national concern which require
 “ your attention.

“ His

“ His Majesty has likewise ordered us, to acquaint you that,
 “ since the close of the last session, He has concluded a treaty of
 “ Defensive Alliance with His good brother the King of Prussia,
 “ copies of which will be laid before you: that His Majesty’s
 “ endeavours were employed, during the last summer, in conjunction
 “ with His Allies, in order to prevent, as much as possible, the ex-
 “ tension of hostilities in the north, and to manifest His desire of
 “ effecting a general pacification: that no opportunity will be
 “ neglected, on his part, to promote this salutary object; and that
 “ he has, in the mean time, the satisfaction of receiving from all
 “ foreign Courts, continued assurances of their friendly dispositions
 “ to this country.”

“ *Gentlemen of the House of Commons,*

“ We are commanded by his Majesty to acquaint you, that the
 “ estimates for the current year will forthwith be laid before you;
 “ and that He is persuaded of your readiness to make the necessary
 “ provisions for the several branches of the public service.”

“ *My Lords and Gentlemen,*

“ We have it particularly in charge from His Majesty to assure
 “ you, that you cannot so effectually meet the most earnest wish of
 “ His Majesty’s heart, as by persevering in your uniform exertions
 “ for the public welfare, and by improving every occasion to pro-
 “ mote the prosperity of his faithful people, from whom His Ma-
 “ jesty has received such repeated and affecting mark of invariable
 “ zeal, loyalty, and attachment, and whose happiness he must ever
 “ consider as inseparable from his own.”

The House then adjourned during pleasure for the Lords Com-
 missioners to unrobe, and being resumed, the Lord *Chancellor*
 reported his Majesty’s Speech, after which Lord *Chesterfield* rose and
 moved an humble Address in answer to the same, which was
 seconded by Lord *Cathcart*. Earl *Stanhope* spoke afterwards, and
 the Question being put, the Address was agreed to, *nemine dissentiente*,
 and the Lords with White Staves ordered to wait upon his Majesty,
 to know when he would please to be attended therewith.

Lord *Morton* afterwards moved a Congratulatory Message to the
 Queen, which was seconded by Lord *Hawkesbury*, and their Lord-
 ships directed to wait upon her Majesty with the same.

Lord *Hawkebury* afterwards moved the Order of the Day for the House to resolve itself into a Committee on the further Consideration of the Bill, intituled, “ An Act to provide for the care of his Majesty’s Royal Person, and for the Administration of the Royal Authority during the continuance of his Majesty’s illness.” And the same having been read by the Clerk, his Lordship then moved to discharge the Order, which upon the Question, was ordered.

His Lordship observed, that his Majesty’s happy recovery, and the proceedings of the day, having entirely done away the object of the Bill, he should move, “ that the Bill be rejected.” The Question being put, was agreed to by the House.

The following is a Copy of the humble ADDRESS of the Right Honourable the Lords Spiritual and Temporal, in Parliament assembled, on Tuesday March 10, and presented to HIS MAJESTY.

“ *Most Gracious Sovereign,*

“ We, your Majesty’s most dutiful and loyal subjects, the Lords Spiritual and Temporal, in Parliament assembled, beg leave to approach your Throne, and return our most humble thanks for the gracious Speech which your Majesty has commanded to be made to both Houses of Parliament.

“ We most sincerely congratulate your Majesty on your happy recovery from your late indisposition, and upon your being again enabled to attend to the urgent concerns of your kingdoms, and to exercise personally your Royal Authority.

“ We acknowledge, with all possible thankfulness, the goodness of Almighty God, in attending to the prayers of a loyal, affectionate and afflicted people, and in restoring your Majesty to the wishes of your faithful subjects ; and we most earnestly hope that the blessing of your Majesty’s just and benevolent Government may long be continued to us.

“ We humbly offer to your Majesty our most sincere expressions of gratitude for your gracious acceptance of our best endeavours to
prove

prove our zealous and affectionate attachment to your person, and our anxious concern for the honour and interests of your Crown, and the security and good Government of your dominions.

“ Your Majesty may be assured that we will without delay apply ourselves to the consideration of the different objects of national concern which require our attention.

“ We most humbly thank your Majesty for the orders which you have been graciously pleased to give for laying before this House a copy of the treaty of Defensive Alliance which your Majesty has concluded with the King of Prussia.

“ We are sensible that your Majesty’s endeavours, in conjunction with your Allies, to prevent as much as possible the extension of hostilities in the North of Europe, and to contribute to the restoration of general tranquillity, are the natural result of your Majesty’s known wisdom and humanity; and we have a full reliance on the continuance of your exertions towards promoting so salutary an object.

“ We hear with satisfaction that your Majesty continues to receive from all foreign Courts the strongest assurances of their friendly disposition towards this country.

“ We are conscious, Sir, that we ensure to ourselves the approbation of your Majesty, when we attend to the public welfare, and to the advancement of the prosperity of your people, whose zeal, loyalty, and attachment to your Majesty, are the natural and spontaneous effects of their uniform experience of your Majesty’s virtues, and of the constant blessings derived from your mild and auspicious Government.”

HIS MAJESTY’S Most Gracious ANSWER.

“ *My Lords,*

“ This very dutiful and affectionate Address calls forth my
 “ warmest thanks; the sentiments expressed in it have so universally
 “ prevailed among my loving subjects, that they must, if possible,
 “ increase my solicitude for the prosperity and happiness of this, my
 “ native country.”

L I S T

OF THE

DIVISION *in the* HOUSE of LORDS,

On FRIDAY *the* 26th *of* DECEMBER, 1788,

On the Question of the Amendment to the Resolutions moved by
Lord RAWDON.

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Suffolk	Earls of Salisbury
Carlisle	Denbigh
Sandwich	Westmorland
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Bishops.

Archb. of Canterbury

Bishop of London

Durham

Bath and Wells

Carlisle

Salisbury

Peterborough

Worcester

Chester

Lincoln

Bangor

Gloucester

St. David's.

R E P O R T

OF THE

LORDS COMMITTEES,

APPOINTED TO

EXAMINE THE PHYSICIANS

WHO HAVE ATTENDED

HIS MAJESTY,

DURING HIS ILLNESS,

Touching the State of his MAJESTY's Health.

ALSO A

B I L L,

INTITULED,

“ *An Act to provide for the Care of his Majesty's*
“ *Royal Person, and for the Administration of the*
“ *Royal Authority, during the Continuance of his*
“ *Majesty's Illness.*”

(As it passed the Honourable HOUSE of COMMONS, and went
up to the LORDS, and there read twice..)

L O N D O N :

PRINTED FOR JOHN STOCKDALE, OPPOSITE BURLINGTON
HOUSE, PICCADILLY.

MDCCLXXXIX.

R E P O R T.

By the Lords Committees appointed to examine the Physicians who have attended his Majesty during his illness, touching the state of his Majesty's health.

ORDERED TO REPORT,

THAT the Committee have met, and examined the several Physicians who were sworn for that purpose at your Lordships Bar ; and the evidence given by them before the said Committee was as follows :

Doctor FRANCIS WILLIS called in and examined.

You are desired to acquaint the Committee, whether the state of his Majesty's health is such as to render him incapable of coming in person to his Parliament, or of attending to any kind of public business ?

Certainly not capable.

What are the hopes you entertain of his Majesty's recovery ?

If it was any common person, I should scarce doubt of his recovery ; I have great hopes of his Majesty's recovery ; but I am afraid it may be retarded by his recollection of his present indisposition.

Can you form any judgment or probable conjecture of the duration of his Majesty's illness ?

I cannot ; either judgment or conjecture.

Is his Majesty's recovery more probable or not ?

A great deal more probable.

4 REPORT OF THE PHYSICIANS.

What degree of experience has Dr. Willis had himself, or does he know others to have had, in this particular species of disorder?

I have had a great deal for twenty-eight or twenty-nine years.

Have you considered this kind of disorder under which the King labours as liable to be classed under different species?

In my answer to that, I am apprehensive it would describe the sort of disorder more than your Lordships would chuse: his Majesty's indisposition is attended with symptoms of violence and acuteness. Another species of this indisposition is attended with lowness of spirits and despair; the latter of which is the most difficult to be cured.

Whether the disorder is not of a different species when occasioned by external causes, or when it is not to be traced back to such causes?

We must judge of the species of a disorder by the symptoms: but when we know the cause is from a blow, from excesses of any kind, from sudden frights, from watching, from too great attention to business, or any sudden misfortune, the cure will be brought about, in all probability, by an attention to what we judge to be the cause.

Have you taken such observation of his Majesty's illness, as to trace it to any of these causes?

I have attended his Majesty so short a time I can only form a guess, or hazard an opinion; from what I am told of his Majesty's mode of life, therefore, I would not have your Lordships imagine I presume to give it as a positive opinion: but from a detail of his Majesty's mode of life for twenty-seven years, I should rather think that his Majesty's indisposition has been brought about by using very strong exercise, taking little sustenance, watching, or want of sleep, perhaps when his mind was upon the stretch with very weighty affairs; and I am the more inclined to think I may guess right, because the medicines that were to meet with such causes, which were ordered on Sunday last, have had the effect that I could wish.

Have

Have any favourable symptoms of convalescence taken place since you attended?

His Majesty's nerves are less irritable, which must precede convalescence.

Do you regard that as a favourable symptom?

Yes.

Whether any actual cessation of the disorder has obtained since you attended the King?

His Majesty is much calmer, eats and drinks, takes medicines, and goes to bed quietly.

Do you consider that, or any other symptoms you have observed, as a cessation of his disorder?

As a partial, not a total cessation.

How long have you attended his Majesty?

From Friday morning last, at about ten or eleven o'clock.

How soon have patients under your care, affected with a similar disorder, usually recovered?

If I am called in within three months, from three months to fifteen or eighteen months: sometimes they recovered much sooner than three months, two months, six weeks, or one month:—I have had some two years under my care and recovered afterwards. I cannot presume to form any opinion as to the time.

What do you understand by recovery?

To be perfectly well and fit for business in all respects, as he was before.

Do you make any distinction betwixt complete and temporary recovery?

As complete a recovery as if it was from an ague, fever, or cold, with proper attention to his mode of life.

In the course of your experience has it happened that persons recovered by you have come a second time under your care?

They have: but I do not think that they are more likely to relapse into such an indisposition, than any one is into a violent fever.

6 REPORT OF THE PHYSICIANS.

Whether, when you have sent a person out as cured, and that person returns under your care again, you consider that as a new disorder, or a relapse?

If a long time intervenes, I consider it as a new disorder.

What do you call a long time?

Three or four years.

Whether short of that, you look upon it as a relapse or a cure?

If it was within a year, I should call it a relapse.

Within what time, as near as you can recollect, the majority of patients dismissed by you as cured, whom you say have returned again under your care, have returned?

I have had them return from one to eighteen years, but cannot speak as to majorities.

Doctor RICHARD WARREN called in and examined.

You are desired to acquaint this Committee, whether the state of his Majesty's health is such as to render him incapable of coming to his Parliament, or of attending to any kind of public business?

Incapable.

What are the hopes you entertain of his Majesty's recovery?

The hopes must be determined by the probability of cure, and that can be judged of only by what has happened to others; by which I find that the majority of those who have been disordered in a manner similar to his Majesty, have recovered: but I do not mean by the word "similar," his Majesty's particular disorder, but that disorder in general.

Can you infer from thence, that it is more probable that his Majesty will or will not recover?

That it is more probable that he will recover.

Does Dr. Warren apply this to the particular case of his Majesty, or to cases in general?

To cases in general.

REPORT OF THE PHYSICIANS. 7

Can you form any judgment, or probable conjecture, of the duration of his Majesty's illness?

No.

Whether, so far as experience enables Dr. Warren to judge of his Majesty's disorder, he thinks it more probable that his Majesty will or will not recover, so as to render him capable of public business?

I have no data sufficient to ground an answer upon this question.

Whether there has been any cessation of his Majesty's disorder since you attended him?

No.

Are there any signs of a returning understanding?

No.

Since you was examined last at the Privy Council, have there been any more favourable symptoms of his Majesty's recovery?

There are no symptoms of this disorder, but the single one of want of understanding. The words and the actions of persons under this disorder are accidental, and depend upon the difference of the persons themselves. A man that has a variety of ideas, will talk and act very differently from one who has fewer ideas, or has led a different course of life: his words and actions will be determined by the peculiarity of the man, and not by the distemper. Under this explanation the symptoms are more favourable.

Is the probability of his Majesty's recovery of his understanding varied or affected any way by the actual duration of his illness?

The probability of cure diminishes as the time of the disorder lengthens.

Has this disorder continued so long, as to enable you, from thence, to pronounce upon the probability of his recovery?

No.

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How long have you attended his Majesty?

I saw him first on the seventh of November.

Whether there has been any difference of opinion amongst the physicians as to the nature of the case?

It has been the custom of his Majesty's physicians, from the day that I went first to Windsor, to put down in writing a description of the state of his Majesty's health every evening, and for each of them to sign the paper; by which it will appear that there never was any difference of opinion among the physicians, with respect to the case as it is put. This was continued daily till his Majesty came to Kew.

Sir GEORGE BAKER called in and examined.

You are desired to acquaint this committee, whether the state of his Majesty's health is such as to render him incapable of coming in person to his parliament, or of attending to any kind of public business?

The state of his Majesty's health is such as to render him incapable of any public business.

What are the hopes you entertain of his Majesty's recovery?

The hopes I entertain of his Majesty's recovery are founded upon an idea of its being probable. That idea of probability is suggested to me by past experience, as well original as that of other physicians, in cases similar to that of his Majesty.

Can you form any judgment, or probable conjecture, of the duration of his Majesty's illness?

I can form no judgment, or probable conjecture, of the duration of his disorder.

Has there been any cessation of the disorder since you first attended his Majesty?

There was a cessation of the disorder since my first suspicion.

At what period did you first suspect the nature of his disorder?

In the evening of Wednesday, October the 22d last.

What

REPORT OF THE PHYSICIANS. 9

What length of time did that cessation continue?

I conceived the suspicion that evening; and the next morning, when I visited his Majesty very early, he appeared to me to be perfectly well. On the Monday following I saw his Majesty at Windsor, and then saw more signs of the disorder.

Has there been any cessation since Monday, October the 27th?

None.

At this period of time do you see any signs of a returning understanding?

I see none.

Did you see his Majesty between the 23d and the 27th of October?

I saw his Majesty on the 24th and 25th of October, and I saw him again on the 27th, when he had a degree of his present disorder, but in nothing like the state in which it has appeared since.

Had his Majesty been afflicted with any bodily disorder immediately preceding the 22d of October?

On the 17th of October his Majesty was attacked by a disorder in which I had once before seen his Majesty, and to which I understand he had been very subject: that disorder I conceive to be biliary concretions in the gall duct.

How long did he continue in that illness?

It lasted the greatest part of the 17th.

Did it last any longer, or did it take a different turn?

It returned twice on Monday and Tuesday following; on Monday it was not so severe, and went off very soon; on Tuesday it was very trifling.

Is it your opinion that his Majesty's present malady has been caused by, or has any relation to, his previous disorder?

It is not my opinion that his Majesty's present malady has any relation to his previous disorder.

Had

10 REPORT OF THE PHYSICIANS.

Had not his Majesty a rash previous to Friday the 24th of October?

On Friday, October the 17th, in the course of that day, it was mentioned to me that his Majesty had had a rash, and upon that account his skin was examined, and there did appear some marks of there having been a rash, which had spent itself.

Have not you heard that his Majesty, during the time that the rash was upon him, wet his feet and sat in wet stockings?

I was informed, that on Thursday the 16th his Majesty rose very early and walked more than four hours, and afterwards went to St. James's without having changed his stockings, which were very wet.

Did not you understand the rash had been checked by his Majesty having sat in wet stockings?

It was so imagined.

By whom?

By some in the family.

Can you say that a rash so checked may not have been the occasion of his Majesty's present disorder?

I can only say that it is not my opinion; for I conceive that if his Majesty's present malady is supposed to be occasioned by the checking of the rash, the effect would have followed the cause more immediately.

Whether his Majesty's legs swelled after it was imagined the rash was checked?

The 18th of October the left foot was a little inflamed, and in consequence swelled; afterwards the right foot.

Did the swelling of the legs go off upon the present disorder coming on?

It had gone off before the present disorder.

How long before?

About two days.

Were both the King's feet without swelling on the 24th?

I think

REPORT OF THE PHYSICIANS. II

I think he left off both his great shoes on the 23d : he was lame and in pain in the muscles of his legs with the rheumatism on the 24th.

In what degree was he disordered on the 24th ?

He had had a restless night on the Thursday ; and when I saw his Majesty on Friday morning, he was low spirited, and complained much of the necessity of going to the levee. He complained all along of pains in the muscles of his thighs and legs, as he does also at present.

Have those pains in his thighs continued all along ?

From the beginning.

Have those pains any relation to his Majesty's present illness ?

I think not.

Was it your opinion that the rash was struck in ?

It is not my opinion.

Sir LUCAS PEPYS called in and examined.

You are desired to acquaint this Committee, whether the state of his Majesty's health is such as to render him incapable of coming in person to his Parliament, or of attending to any kind of public business ?

Certainly is incapable.

What are the hopes you entertain of his Majesty's recovery ?

The hopes of his Majesty's recovery arise from the general consideration, that the majority of those afflicted with the same or similar disorder under which his Majesty now labours, do recover.

Can you form any judgment or probable conjecture of the duration of his Majesty's illness ?

I can form no such conjecture.

Is his Majesty at times composed and quiet ?

Frequently is.

Does his disorder abate during those periods ?

Not in the least.

Doctor

12 REPORT OF THE PHYSICIANS.

Doctor HENRY REVELL REYNOLDS called in and examined.

You are desired to acquaint this Committee, whether the state of his Majesty's health is such as to render him incapable of coming in person to his Parliament, or of attending to any kind of public business?

His Majesty is incapable of attending to any public business.

What are the hopes you entertain of his Majesty's recovery?

I think there are well-founded hopes of his Majesty's recovery.

Can you form any judgment or probable conjecture of the duration of his Majesty's illness?

No; I cannot.

Upon what do you found your hopes of his Majesty's recovery?

Upon general experience; as the greater number of those afflicted with the same malady with his Majesty generally recover.

Doctor ANTHONY ADDINGTON called in and examined.

You are desired to acquaint this committee, whether the state of his Majesty's health is such, as to render him incapable of coming in person to his Parliament, or of attending to any kind of public business?

I have not seen his Majesty this week past; but at that time he was certainly incapable of attending Parliament, or doing any public business.

What are the hopes you entertain of his Majesty's recovery?

I have very great hopes of his Majesty's recovery.

Upon what foundation do you build those hopes?

I never yet heard that his Majesty has had any disorder whatever, from which I could infer that he could not recover;
and

and by recovery, I mean so as to be able to attend his Parliament, and attend any other business as well as ever he did; but I think there are hopes in my mind, from some circumstances that I had not taken notice of before. I never heard that his Majesty was melancholy previous to his present indisposition; and I do not recollect an instance of any patient who required a longer time to be perfectly cured than one year, who had not laboured under a pretty long and very considerable melancholy previous to his confinement.

Can you form any probable judgment of the duration of his Majesty's disorder?

I cannot.

In what time have these disorders generally been cured?

It has been my good fortune to see none who have not been cured within a year; sometimes in four months from the time they came under my care, unless they were deemed incurable by the best judges before they were sent to my house.

Is it your opinion, that all disorders of the mind, not preceded by melancholy, have been cured within the year?

All the disorders within my practice, except as before, have been cured within the year; and I should think that such disorders would be curable within the year, unless they proceeded from some immovable cause, such as the enlargement of the bone pressing upon the sensorium, or other similar causes.

Doctor THOMAS GISBURNE called in and examined.

You are desired to acquaint this Committee, whether the state of his Majesty's health is such as to render him incapable of coming in person to his Parliament, or of attending to any kind of public business?

I think him absolutely incapable.

What are the hopes you entertain of his Majesty's recovery?

As

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As those in similar circumstances have often recovered, I hope his Majesty will.

Has a majority of them recovered?

They have.

Can you form any judgment, or probable conjecture, of the duration of his Majesty's illness?

I think that cannot be ascertained.

A
B I L L,

INTITUL ED

An Act to provide for the Care of his Majesty's Royal Person, and for the Administration of the Royal Authority, during the Continuance of his Majesty's Illness.

WHEREAS, by reason of the severe indisposition with which it hath pleased God to afflict the King's most Excellent Majesty, the personal exercise of the royal authority by his Majesty is for the present so far interrupted, that it becomes necessary to make provision for assisting his Majesty in the administration and exercise of the royal authority, during the continuance of his Majesty's indisposition, in such manner, and to such extent, as the present circumstances, and the urgent concerns of the nation, require; BE IT THEREFORE ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That his Royal Highness George Augustus Frederick, Prince of Wales, shall have full power and authority, in the name and on the behalf of his Majesty, and under the style and title of Regent of this kingdom, to exercise and administer, according to the laws and constitution of Great Britain, the royal power and authority to the crown of Great Britain belonging, and to use, execute, and perform all authorities, prerogatives, acts of government, and administration of the same, which lawfully belong to the
King

King of this realm to use, execute, and perform, subject to such limitations, exceptions, regulations, and restrictions, as are herein-after specified and contained.

AND BE IT ALSO ENACTED by the authority aforesaid, That no acts of regal power, prerogative, government, or administration of government, of what kind or nature soever, which might lawfully be done or executed by the King's most Excellent Majesty, personally exercising his royal authority, shall, during the continuance of the Regency by this act established, be valid and effectual, unless done and executed in the name and on the behalf of his Majesty, by the authority of the said Regent, according to the provisions of this act, and subject to the limitations, exceptions, regulations, and restrictions herein contained.

AND BE IT FURTHER ENACTED by the authority aforesaid, That the said Regent, before he shall act, or enter upon his said office of Regent, shall take the following oath of office :

“ I Do solemnly promise and swear, That I will truly and
 “ faithfully execute the office of Regent of the kingdom of
 “ Great Britain, according to an act of Parliament passed in
 “ the twenty-ninth year of the reign of his Majesty King
 “ George the Third, intituled, *An act to provide for the care*
 “ *of his Majesty's royal person, and for the administration of the*
 “ *royal authority, during the continuance of his Majesty's illness ;*
 “ and that I will administer, according to law, the power
 “ and authority vested in me by virtue of the said act, and will
 “ in all things, to the utmost of my power and ability, consult
 “ and maintain the safety, honour, and dignity of his Ma-
 “ jesty, and the welfare of his people.

“ So help me GOD.”

Which oath shall be taken before his Majesty's most honourable Privy Council, who are hereby required and impowered to administer the same, and to enter the same in the books of the said Privy Council.

AND BE IT FURTHER ENACTED by the authority aforesaid, That the said Regent shall be deemed and taken to be
 a person

a person having and executing an office and place of trust within England, and shall take and subscribe such oaths, and make and subscribe such declaration, and do all such acts as are required by the laws and statutes of this kingdom to qualify persons to hold offices and places of trust, and to continue in the same, in such manner as in and by the said laws and statutes are required, and under such pains, penalties, forfeitures, and disabilities, as are therein and thereby appointed and ordained.

AND BE IT ALSO ENACTED by the authority aforesaid; That it shall be lawful for the said Regent to take and subscribe such oaths, and make and subscribe such declaration, in and before his Majesty's most honourable Privy Council; and that the certificate of his having received the Sacrament of the Lord's Supper in any of the royal chapels signed by the person administering the same, shall be registered in the books of the said most honourable Privy Council; and that such taking and subscribing the said oaths, and making and subscribing the said declaration, and taking the Sacrament of the Lord's Supper as aforesaid, shall be, to all intents and purposes, as effectual as if the same had been respectively taken, made, and subscribed in the manner now required by law for the qualification of persons to hold offices and places of trust, and to continue in the same.

AND BE IT ENACTED by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to empower the said Regent, in the name and on the behalf of his Majesty, to give the royal assent to any bill or bills in parliament, for repealing, changing, or in any respect varying the order and course of succession to the crown of this realm, as the same stands now established in the illustrious house of Hanover, by an act passed in the twelfth year of the reign of king William the third, intituled, *An act for the further limitation of the crown, and better securing the rights and liberties of the subject*; or to any act for repealing or altering the act, made in the thirteenth year of the reign of king Charles the second, intituled, *An act for the uniformity of publick prayers and administration*

nistration of sacraments, and other rites and ceremonies, and for establishing the form of making, ordaining, and consecrating Bishops, Priests, and Deacons, in the church of England; or the act of the fifth year of the reign of queen Anne, made in Scotland, intituled, An act for securing the protestant religion, and presbyterian church government.

PROVIDED ALSO, AND BE IT ENACTED by the authority aforesaid, That if his said Royal Highness George Augustus Frederick, Prince of Wales, shall not continue to be resident in Great Britain, or shall at any time marry a papist, then, and in either of such cases, all the powers and authorities vested in his said Royal Highness, by virtue of this act, shall cease and determine.

PROVIDED ALWAYS, AND BE IT ENACTED by the authority aforesaid, That his Royal Highness shall not have or exercise any power or authority to grant, in the name and on the behalf of his Majesty, any rank, title, or dignity of the peerage of this realm, by letters patent, writ of summons, or in any other manner whatever, or to summon any person to the House of Lords by any title to which such person shall be the heir apparent, or to appoint any such rank, title, or dignity, which now is, or hereafter shall be, in abeyance, to any of the coheirs thereof.

PROVIDED NEVERTHELESS, AND BE IT ENACTED, That it shall be lawful for his said Royal Highness to grant, in the name and on the behalf of his Majesty, any rank, title, or dignity of the peerage of this realm to such of his Majesty's royal issue as shall have attained the full age of twenty-one years.

PROVIDED ALSO, AND BE IT ENACTED by the authority aforesaid, That the said Regent shall not have power or authority to grant, in the name and on the behalf of his majesty, any office or employment whatever in reversion, or to grant for any longer term than during his Majesty's pleasure, any office, employment, salary, or pension whatever; save only that it shall be lawful for the said Regent to grant, in the name and on the behalf of his Majesty, all such offices and employments in possession for the term of the natural life, or during

the good behaviour, of the grantee or grantees thereof respectively, as by law must be so granted.

AND BE IT FURTHER ENACTED by the authority aforesaid, That the said Regent shall not have power, in the name and on the behalf of his Majesty, to make any gift, grant, alienation, lease, or other assurance, to any person or persons, body politic or corporate, whatever, under the Great Seal of Great Britain, Exchequer Seal, Seals of the duchy or county palatine of Lancaster, or any of them, or by copy of court roll, or otherwise, of any manors, messuages, lands, tenements, rents, tythes, woods, or other hereditaments, now belonging, or hereafter to belong, to his Majesty, or to any person or persons in trust for his Majesty, in possession, reversion, remainder, use, or expectancy, whether the same be, or shall be, in right of the Crown of Great Britain, or as part of the principality of Wales, or of the duchy or county palatine of Lancaster, or otherwise howsoever, whereby any estate or interest whatsoever, in law or equity, shall or may pass from his Majesty; but that every such gift, grant, alienation, lease, or other assurance, shall be null and void, without any inquisition, *scire facias*, or other proceeding, to determine and make void the same, unless such grant, lease, or assurance, shall be made of such lands, tenements, and hereditaments, and none other, as have been usually demised within the space of ten years last past, or shall be made for the renewing of any grant, lease, or other assurance, now subsisting, of the lands, tenements, or hereditaments aforesaid, according to the several provisions, regulations, and restrictions of an act passed in the year of the reign of Queen Anne, intituled, *An act for the better support of her Majesty's household, and of the honour and dignity of the Crown*: PROVIDED ALWAYS, That this act, or any thing herein contained, shall not extend to disable the said Regent to make any grant or restitution of any estate or estates hereafter to be forfeited for any treason or felony whatever; or to disable the said Regent to grant, demise, or assign any lands, tenements, or hereditaments, which shall be seized or taken into his

Majesty's hands upon any outlawry, at the suit of his Majesty or his subjects, in such manner as hath been usual; or any estate whatever, which is or shall be seized, extended, or taken in execution, for any debt owing or to be due to the crown, as the said Regent on the behalf of his Majesty shall think fit; or to make any grants or admittances, which of right or custom ought to be made, of any copyhold or customary lands, tenements, or hereditaments, parcel of any manor or manors of his Majesty.

AND BE IT ALSO ENACTED by the authority aforesaid, That the said Regent shall not have power to grant or alienate any part of the personal estate to his Majesty belonging, but that every such grant or alienation shall be void and of none effect: PROVIDED ALWAYS, That this act, or any thing therein contained, shall not extend to disable the said Regent from exercising, in the name and on the behalf of his Majesty, all and every the rights, privileges, powers, and prerogatives, over the small branches of his Majesty's hereditary revenue herein after mentioned: that is to say, The monies arising by fines for writs of covenant, or writs of entry, payable in the Alienation Office; the monies arising by the post fines; the monies arising by sheriffs proffers and compositions in the Exchequer, and seizures of prohibited and uncustomed goods, in like manner as the same are reserved to his Majesty, by virtue of an act made and passed in the first year of his Majesty's reign, intituled, *An act for the support of his Majesty's household, and of the honour and dignity of the Crown of Great Britain*; or to disable the said Regent from remitting, mitigating, or pardoning, in the name and on the behalf of his Majesty, any penalty or forfeiture incurred, or to be incurred, of any sum or sums of money become, or which shall become, due or forfeited to his Majesty, which by law may be remitted, mitigated, or pardoned: PROVIDED ALSO, That this act, or any thing therein contained, shall not disable the said Regent from issuing and applying all such monies as now are or shall be applicable to the civil government of the realm, by virtue of any act or acts of Parliament made or to be made.

AND

AND BE IT ENACTED by the authority aforesaid, That the several letters patent, letters of privy seal, and all other lawful authorities, of what nature or kind soever, which have been granted or issued by his Majesty, by virtue whereof any payments of any sum or sums of money are directed to be made out of the monies applicable to the use of his Majesty's civil government, for the use of the Queen's most Excellent Majesty, or for the use of any of the branches of his Majesty's royal family, shall continue to be, and the same are hereby enacted to continue to be of full force and effect respectively, during the continuance of the Regency by this act established; and that warrants shall be issued by the Lord High Treasurer, or Lords Commissioners of the Treasury, for the payment of the several sums therein respectively contained, which warrants the said Lord High Treasurer, or Lords Commissioners of the Treasury, are hereby respectively required to issue at the usual and accustomed times, and in the usual and accustomed manner.

AND BE IT FURTHER ENACTED by the authority aforesaid, That the Lord High Treasurer, or the Lords Commissioners of the Treasury, shall from time to time direct so much of the monies of the Civil List revenues to be issued at the receipt of the Exchequer, as shall be sufficient to pay the whole of the expences incurred in each quarter, and the several departments of his Majesty's household, in the same order, and in like manner as is directed by an act made in the twenty-second year of his Majesty's reign, intituled, *An act for enabling his Majesty to discharge the debt contracted upon his Civil List revenues, and for preventing the same from being in arrear for the future, by regulating the mode of payments out of the said revenues, and by suppressing or regulating certain offices therein mentioned, which are now paid out of the revenues of the Civil List*; provided that the whole amount of such expences, at the end of each quarter, shall not exceed by more than three thousand pounds the amount of the expences of the said departments at the end of the corresponding quarter, in the year one thousand seven hundred and eighty-eight, and that the

whole of the expence of any one year, from the fifth day of January to the fifth day of January in the succeeding year, shall not exceed the whole expence of the said departments in the year ending on the fifth day of January, one thousand seven hundred and eighty-nine.

PROVIDED ALWAYS, AND BE IT ENACTED by the authority aforesaid, that it shall and may be lawful for the said Regent, in the name and on the behalf of his Majesty, to make any such grant or grants of, or charge or charges upon, the several and respective duties and revenues which are payable to his Majesty in that part of Great Britain called Scotland, as his Majesty can now lawfully make of such duties and revenues; save and except, that it shall not be lawful for the said Regent to make any grant or grants thereof, or charge or charges thereupon, in the name and on the behalf of his Majesty, for any longer time or term than during the pleasure of his Majesty.

AND BE IT FURTHER ENACTED by the authority aforesaid, That the Lord High Treasurer, or Lords Commissioners of the Treasury, shall direct, and they are hereby required annually to direct, on or before the 27th day of April, the sum of sixty thousand pounds to be issued out of the monies of the Civil List revenue, to the keeper of his Majesty's privy purse for the time being; and that the said keeper of his Majesty's privy purse shall be, and he is hereby authorised and directed, during the continuance of the regency by this act established, to issue and apply the sum of twelve thousand pounds in the year, in such yearly, half-yearly, or quarterly payments, to such persons, and in such manner, as he has issued and applied the same by the authority and direction of his Majesty, and that he shall pay, and he is hereby authorised and directed to pay, the sum of one thousand pounds at the expiration of each and every quarter, to such persons as her most Excellent Majesty the Queen shall, by an instrument signed and sealed by her Majesty, authorise and direct to receive the same, to be by her Majesty's direction applied in such gifts, charities, and allowances, as her Majesty may judge the same would have

have been applied to by his Majesty, and that the remainder of the aforesaid sum shall be invested by the said keeper of his Majesty's privy purse in some of the public funds or government securities, in the name of the keeper of his Majesty's privy purse for the time being, in trust for his Majesty; and that the net surplus of the revenues of the duchy and county palatine of Lancaster shall be from time to time paid, under the order of the chancellor and council of the said duchy, into the hands of the keeper of his Majesty's privy purse, whose receipt shall be a sufficient discharge for the same, and shall by him be invested in some of the public funds or government securities, in manner aforesaid; and that the governor and company of the bank of England shall place the said several sums on an account to be raised in the books of the said governor and company, intituled, *The account of the keeper of his Majesty's privy purse*; and that upon the death, resignation, or removal of the present and every other keeper of his Majesty's privy purse, hereafter to be appointed, all and every the said stock or stocks, and sum or sums of money arising from the dividends which shall accrue thereon, shall immediately vest in the successor of the present or any future keeper of his Majesty's privy purse respectively; and the keeper of his Majesty's privy purse for the time being is hereby required to lay out and invest the dividends, so accruing as aforesaid, from time to time, in the purchase of other stocks and securities on the like account; and that the keeper of his Majesty's privy purse for the time being shall, from time to time, execute declarations of trust of all such funds and securities, declaring that the same are held in trust for his Majesty, by instruments to be executed under his hand and seal, to be deposited with her Majesty.

PROVIDED ALWAYS, AND BE IT ENACTED by the authority aforesaid, that the said keeper of his Majesty's privy purse shall, on or before the twenty-seventh day of April one thousand seven hundred and ninety, and on or before the twenty-seventh day of April in every succeeding year during the

continuance of this act, take an oath before the barons of the Exchequer, or one of them, in the form following :

“ I *A. B.* do swear, That, according to the best of my know-
 “ ledge, belief or information, no part of the money which
 “ has been issued to me for the service of his Majesty’s privy
 “ purse, by virtue of an act, intituled, *An act to provide for*
 “ *the care of his Majesty’s royal person, and for the administration*
 “ *of the royal authority, during the continuance of his Majesty’s*
 “ *illness,* between the day of and
 “ the day of has been applied, di-
 “ rectly or indirectly, for the benefit, use, or behoof, of any
 “ member of the House of Commons, or, so far as I am con-
 “ cerned, applicable, directly or indirectly, to the purpose of
 “ supporting or procuring an interest in any place returning
 “ members to parliament.

“ So help me GOD.”

AND WHEREAS it is necessary that proper provision should be made for the care of his Majesty’s royal person, during the continuance of his illness, and for the direction and government of his Majesty’s household, in such manner as the circumstances of the case at present appear to require ; BE IT THEREFORE ENACTED by the authority aforesaid, That the care of his Majesty’s royal person, during the continuance of his said illness, and the disposing, ordering, and managing of all matters and things relating thereto, and also the direction and government of his Majesty’s household, shall be, and the same are hereby vested in the Queen’s most Excellent Majesty ; and that her said Majesty shall have the full and sole power and authority, by an instrument in writing, signed and sealed by her Majesty, to nominate, appoint, or remove, the Lord Steward of his Majesty’s Household, the Lord Chamberlain of his Majesty’s Household, the Master of the Horse to his Majesty, and the Master of the Robes, and Keeper of his Majesty’s Privy Purse, the Groom of the Stole, the Gentlemen and Grooms of his Majesty’s Bedchamber, and the several officers in the respective departments aforesaid, whose appoint-
 ment,

ment, nomination, or removal have been heretofore made by his Majesty ; and that the nomination and appointment of her Majesty, in the manner and form aforesaid, shall be valid and effectual, to all intents and purposes, as if the same had been made or done by his Majesty in the accustomed manner and that the several persons so appointed shall be entitled to the like precedence, privileges, salaries, wages, profits, and all other emoluments, as the several persons now holding and enjoying the said offices are respectively entitled to.

AND WHEREAS the execution of the weighty and arduous trusts hereby committed to the Queen's most Excellent Majesty, in respect of the care of his Majesty's royal person, and of the disposing, ordering, and managing of all matters and things relating thereto, may require the assistance of a Council, with whom her Majesty may consult and advise in the discharge of the same ; BE IT THEREFORE ENACTED by the authority aforesaid, That in order to assist and advise her said most Excellent Majesty in the several matters aforesaid, there shall be, during the continuance of his Majesty's illness, a Council, consisting of John Lord Archbishop of Canterbury, Edward Lord Thurlow, William Lord Archbishop of York, Lloyd Lord Kenyon ; the Lord Steward of his Majesty's Household for the time being ; the Lord Chamberlain of his Majesty's Household for the time being ; the Master of the Horse to his Majesty for the time being ; and the First Gentleman of the Bedchamber and Groom of the Stole to his Majesty for the time being ; which Council shall, from time to time, meet as her Majesty shall be pleased to direct ; and if it should happen that any of them the said John Lord Archbishop of Canterbury, Edward Lord Thurlow, William Lord Archbishop of York, and Lloyd Lord Kenyon, should depart this life, then, and in such case, it shall be lawful for the Queen's most Excellent Majesty, by an instrument in writing, signed and sealed by her Majesty, revokable at her will and pleasure, to nominate and appoint some One person, being or having been a member of his Majesty's most honourable Privy Council, to be a member of the said Council, to advise and assist her Majesty

jeſty as aforeſaid, in the room and place of each and every of the ſaid Councillors ſo departing this life; which nomination and appointment ſhall be forthwith certified by an inſtrument in writing, ſigned and ſealed by her Majeſty, to the Lords of his Majeſty's moſt honourable Privy Council, and ſhall be entered in the books thereof.

AND BE IT FURTHER ENACTED by the authority aforeſaid, That each and every ſuch Councillor ſhall, within the ſpace of one month after his appointment by virtue of this act, or by virtue of her Majeſty's nomination and appointment, in manner aforeſaid, take the following oath before his Majeſty's moſt honourable Privy Council; who are hereby required and impowered to adminiſter the ſame, and to enter the ſame in the books of the ſaid Privy Council:

“ I *A. B.* do ſolemnly promiſe and ſwear, That I will truly
 “ and faithfully counſel and adviſe the Queen's moſt Ex-
 “ cellent Majeſty, according to the beſt of my judgement, in
 “ all matters touching the care of his Majeſty's royal perſon,
 “ and the diſpoſing, ordering, and managing all things re-
 “ lating thereto.

“ So help me G O D.”

AND BE IT FURTHER ENACTED by the authority aforeſaid, That the ſaid Council, or any three or more of them, ſhall have power and authority at all times, when they ſhall judge it neceſſary, to call before them, and to examine upon oath, the phyſicians, and all other perſons attendant on his Majeſty during the continuance of his illneſs, touching the ſtate of his Majeſty's health, and all matters relating thereto; which oath any member of the ſaid Council is hereby authorized and impowered to adminiſter.

AND BE IT FURTHER ENACTED by the authority aforeſaid, That if any perſon, being a member of the Houſe of Commons, ſhall accept of any office of profit from the Crown, by the nomination and appointment of her Majeſty the Queen, by virtue of this act, or by the ſaid Regent, in the name and on behalf of his Majeſty, during the continuance of the Regency
 hereby

hereby established, his election shall be, and is hereby declared to be void, and a new writ shall issue for a new election in such and the like manner as if such person had been appointed to such office by his Majesty.

AND BE IT FURTHER ENACTED by the authority aforesaid, That if her Majesty the Queen shall depart this life during the time that the care of his Majesty's royal person shall be committed to her Majesty, according to the provisions of this act, the said Regent shall forthwith order and direct a proclamation, under the Great Seal of Great Britain, to be issued and published, declaring the same, and, in case the Parliament then in being shall then be separated by any adjournment or prorogation, directing that the said Parliament shall forthwith meet and sit, or, if there shall be no Parliament in being, then, and in such case, directing that the members of the last preceding Parliament shall forthwith meet and sit.

AND BE IT ENACTED, That the said members, so meeting and sitting, shall be deemed and taken to be the Two Houses of Parliament, to all intents and purposes, as if the former Parliament had not been dissolved; but that they shall not continue to sit as the said Two Houses, or be deemed and taken as such, for any longer time than six months after the day on which they shall so meet, and that they shall be subject to be sooner prorogued or dissolved.

AND BE IT ALSO ENACTED by the authority aforesaid, That, until due provision shall in such case have been made by Parliament for the care of his Majesty's royal person, all and every the powers and authorities in and by this act vested in her Majesty, touching the care of his Majesty's royal person, and the disposing, ordering, and managing of all matters and things relating thereto, shall be, and the same are hereby vested in the Council in and by this act appointed to assist and advise her Majesty in the execution of the trusts to her said Majesty committed by virtue of this act: Provided nevertheless, that in such case nothing in this act contained shall extend, or be construed to extend, to empower the said Regent, or the said Council, to nominate, appoint, or remove any of the several officers

officers of his Majesty's household herein mentioned, until due provision shall have been made by Parliament in that behalf.

AND BE IT FURTHER ENACTED by the authority aforesaid, That if his Royal Highness George Augustus Frederick, Prince of Wales, shall depart this life during the continuance of the Regency by this act established, the Lords of his Majesty's most honourable Privy Council shall forthwith cause a proclamation to be issued in his Majesty's name, under the great seal of Great Britain, declaring the same, and, in case the Parliament then in being shall then be separated by any adjournment or prorogation, directing that the said Parliament shall forthwith meet and sit, or, if there shall be no Parliament in being, then and in such case, directing that the members of the last preceding Parliament shall forthwith meet and sit.

AND BE IT ENACTED, That the said members so meeting and sitting shall be deemed and taken to be the Two Houses of Parliament, to all intents and purposes, as if the former Parliament had not been dissolved; but that they shall not continue to sit as the said Two Houses, or be deemed and taken as such, for any longer time than six months after the day on which they shall so meet.

AND BE IT FURTHER ENACTED by the authority aforesaid, That when it shall appear to her Majesty the Queen, and to five of the Council appointed by this act to assist her Majesty in the execution of the trust committed to her Majesty by this act, that his Majesty is restored to such a state of health as to be capable of resuming the personal exercise of the royal authority, it shall and may be lawful for her said Majesty, by the advice of five of her said Council, to notify the same by an instrument under her Majesty's hand, and signed also by the said five of her Majesty's said Council, and addressed to the Lord President of his Majesty's most honourable Privy Council for the time being, or, in his absence, to one of his Majesty's Principal Secretaries of State; and the said Lord President, or Secretary of State, shall, and is hereby required, on the receipt thereof, to communicate the same to the said Regent, and to summon forthwith a Privy Council; and the members of his Majesty's

Majesty's most honourable Privy Council are hereby required to assemble in consequence of such summons; and the said Lord President, or, in his absence, the said Secretary of State, is required, in the presence of any six or more Privy Councillors so assembled, to cause the said instrument to be entered on the books of the said Privy Council, and immediately thereafter to send a copy of such instrument to the Lord Mayor of the city of London, and likewise to cause the same to be printed in the London Gazette.

AND BE IT FURTHER ENACTED by the authority aforesaid, That if at any time after the said instrument under the hand of her Majesty, and of five of her said Council, shall have been received and entered as aforesaid, his Majesty shall think proper, by an instrument under his sign manual, to require the Lord President of his Majesty's most honourable Privy Council for the time being, or, in his absence, one of his Majesty's principal Secretaries of State, to summon a Council in his Majesty's presence, consisting of any number of persons, not less than nine, whom his Majesty shall name, not being members of the Council appointed by this act to assist her Majesty, and who shall be, or shall have been, members of his Majesty's most honourable Privy Council, the said Lord President, or Secretary of State, shall, and he is hereby required to summon such persons accordingly, and as well the said Lord President, or Secretary of State, as the other persons so summoned, shall, and they are hereby required to attend at the time and place appointed by his Majesty, and such persons so assembled shall be, and be deemed to be, a Privy Council for the purpose herein-after mentioned.

AND BE IT FURTHER ENACTED by the authority aforesaid, That if his Majesty, by the advice of six of such Privy Council so assembled, shall signify his royal pleasure to resume the personal exercise of his royal authority, and to issue a proclamation declaring the same, such proclamation shall be issued accordingly, countersigned by the said six of the said Privy Council; and all the powers and authorities given by this act shall from thenceforth cease and determine, and the personal

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exercise of the royal authority by his Majesty shall be and be deemed to be resumed by his Majesty, and shall be exercised by his Majesty, to all intents and purposes, as if this act had never been made.

AND BE IT FURTHER ENACTED by the authority aforesaid, That if the Parliament in being at the time of the issuing such proclamation as aforesaid shall then be separated by adjournment or prorogation, the said Parliament shall forthwith meet and sit, and if there shall be no Parliament in being at the time of issuing such proclamation as aforesaid, then, and in such case, the members of the last preceding Parliament shall forthwith meet and sit.

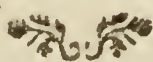
AND BE IT ENACTED, That the said members so meeting and sitting, shall be deemed and taken to be the Two Houses of Parliament, to all intents and purposes, as if the former Parliament had never been dissolved; but that they shall not continue to sit as the said Two Houses, or be deemed and taken as such, for any longer time than six months after the day on which they shall so meet, and that they shall be subject to be sooner prorogued or dissolved.

PROVIDED ALWAYS, AND BE IT ENACTED, That so much of this act as provides that the said Regent shall not have power and authority to grant, in the name and on the behalf of his Majesty, any office or employment whatever in reversion, or to grant for any longer term than during his Majesty's pleasure, any office, employment, salary, or pension whatever, may be varied or repealed by any act or acts to be made for that purpose in this present session of Parliament, in so far only as relates to the granting of any office, employment, salary, or pension, to any person appointed to the office of Lord High Chancellor of Great Britain; or to any person retiring on account of age or infirmity from the office of Chief Justice or Justice of the courts of King's Bench or Common Pleas, or Chief Baron or Baron of the court of Exchequer at Westminster.

PROVIDED ALSO NEVERTHELESS, AND BE IT ENACTED, That the said limitation of the power of the said Regent, with respect to the granting, in the name and on the behalf of his Majesty,

Majesty, any rank, title, or dignity of the peerage of this realm, shall continue and be in force for and during the space of three years from the commencement of this act, and no longer.

AND BE IT ENACTED by the authority aforesaid, That this act, and the several powers and authorities to be exercised by virtue of the same, shall commence and take effect from and after the eighteenth day of February one thousand seven hundred and eighty-nine.



D E B A T E S

I N T H E

I R I S H P A R L I A M E N T,

O N T H E

R E G E N C Y.

H O U S E O F C O M M O N S.

W E D N E S D A Y, F e b. 11, 1789.

TH E *Attorney General* began by desiring the Clerk to read the Act of the 4th of William and Mary, Chap. 1. Sect. 1.

“ For as much as this kingdom of Ireland is annexed and united to the Imperial Crown of England, and by the laws and statutes of this kingdom is declared to be justly and right-fully depending upon, and belonging and for ever united to the same; and the Kings and Queens of England are, by undoubted right, Kings and Queens of this realm, and ought to enjoy the style, title, majesty, power, pre-eminence, jurisdiction, prerogative, and authority of Kings and Queens of the same; and whereas our Sovereign Liege Lord and Lady, King William and Queen Mary, since their happy accession to the Crown of England, with great expence of blood and treasure, and the extreme hazard of his Majesty’s royal person, have delivered this their kingdom from the miseries and calamities of an intestine war, and most horrid rebellion raised up among us by the Irish Papists, and instigated, abetted, and supported by the power of the French King, thereby securing us from the danger of popery and arbitrary power, with which we were threatened in a most imminent manner, and have

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most

most happily reduced this their kingdom to a state of peace and order; and restored to us our laws and liberties, and the free and impartial administration of justice: We, the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, in the name of all the people of this kingdom, do, from the bottom of our hearts, with all possible thankfulness, acknowledge the goodness of Almighty God, in raising up their Majesties to deliver and reign over us; of whose goodness, wisdom, and courage, we have already found such happy and blessed effects."

After the above had been read, the Attorney General proceeded:—Sir, I request of Gentlemen to recollect we are not debating whether we are to lay restrictions on the Prince of Wales, or not? We are now to consider whether the Address moved for, is an instrument sufficient to convey to his Royal Highness the regal authority? and whether it be such an Address as we ought to present?

Before I proceed, I must observe that I am perfectly convinced that what I shall say will have no manner of effect on Gentlemen who form the Government on the other side of the House; for let them propose whatever Address they may think fit, I am satisfied it will be voted; and therefore I would not have risen to trouble the Committee upon this subject, if I did not consider it a duty which I owe to the lawful Sovereign of this realm, and to the illustrious Prince to whom we are about to commit his powers, to apprize the abettors of this Address, that they are about to force upon us a measure which, if carried into effect, will be a direct breach of the common statute law of this realm, and criminal in the extreme.

Gentlemen who support this Address talk with great flippancy of the Constitution, and of the principles of the Constitution. There is nothing so easy as to talk of the Constitution; but if Gentlemen who have talked so loudly on this subject know the principles of the Constitution, which they profess so much anxiety to preserve, I could wish they had taken the trouble to state them, and to shew that this Address
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can be reconciled to any principle of our Law and Constitution. Before I shall presume to argue upon this subject, I will state what I consider to be the principles of the Constitution of Ireland; if I mistake them, I presume I shall be corrected. I consider the Parliament of Ireland as perfectly independent of the Parliament of England, and the Crown of Ireland as inseparably annexed to, and dependent upon, the Crown of England. The independence of the Parliament of Ireland is her freedom; the dependence of the Crown of Ireland is her security for that freedom; and Gentlemen who talk so loudly on this night of their independence, will please to recollect that the independence of the Crown of Ireland is separation from Britain. That if we are to remain connected with Great Britain, that connection can exist only by the dependence of the Irish Crown upon the Crown of England, or by the union of the Parliament of Ireland with the Parliament of England. That if we are to disunite the Imperial Crowns of Great Britain and Ireland, we are driven to the choice of separation from Great Britain altogether, or of a union with their Parliament. And God forbid that I should live to see this country driven to the fatal alternative. If I should, I do not scruple to declare, that I shall not hesitate to embrace an union with the Parliament of Great Britain.

In the year 1782, when his Majesty was graciously pleased to send a message to the Commons of Ireland by the Duke of Portland, to know what were the causes of the discontents of his people of Ireland; they were stated to be, “the claims of the British Parliament to make laws to bind this country—a perpetual Mutiny Bill—and the power exercised by the Irish Privy Council, of altering and stopping heads of bills which had passed the two Houses of Parliament.” The first of these grievances has been done away by a solemn dereliction of the claim by the British Parliament. That which respected the passing of Bills was to be redressed by an Act of the Legislature of Ireland. And for this purpose you have passed a law, enacting that all Bills which pass the two Houses of Parliament, shall be certified without alteration by the Lord Lieutenant

and Council under the Great Seal of Ireland to his Majesty; and that the same, when returned without alteration, addition, or diminution, *under the Great Seal of England*, and none other, shall pass into laws in the Parliament of this Kingdom. By this act you have wisely made the Great Seal of England essentially and indisputably necessary to the passing laws in Ireland; you cannot pass any Bill into a law in this country, without certifying it into England, and having it returned to you under the Great Seal of England, insomuch that if his Majesty should come into Ireland, and hold a Parliament here in person, he could not pass a Bill without first certifying it to his Regent of England, who must return it to his Majesty under his Great Seal of England, before he could give his royal assent to it in the Parliament of Ireland. And I repeat that there is great wisdom in this statute; it operates as a strong bond of union between this country and Great Britain, and I trust it will continue so to operate to the end of time. It has been roundly asserted, that his Majesty, under this statute, affixes the Great Seal of England to our Bills, as King of Ireland; and in proof of this assertion, the personal merits of the Gentleman who framed the Act are quoted: certainly that Gentleman is a very able lawyer, and as honest a man as lives; and I am firmly persuaded, that his intentions were, that this Act should have the full effect which I ascribe to it. But it is rank nonsense to say, that the King of England affixes the Great Seal of England to any instrument, as King of Ireland. The Great Seal of England is the organ by which the King of England speaks; the Great Seal of Ireland is the organ by which the King of Ireland speaks: and therefore, by your own law, his Majesty legislates for Ireland, as head of the empire. And from the moment that a Regent is appointed for Great Britain, the legislative capacity of the Parliament of Ireland is full and complete. As well might you say, that as King of Ireland he affixes the Great Seal of England to treaties of peace, alliance, or commerce, which include Ireland. I have stated, that his Majesty could not, were he here in person, pass an Act without first having the Great Seal of England affixed thereto. Let me

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now for a moment suppose, that we, in the dignity of our independence, appoint a Regent for Ireland, being a different person from the Regent of England; a case not utterly impossible, if the Gentlemen insist on our appointing the Prince of Wales, before it shall be known whether he will accept the Regency of England; and suppose we should go farther, and desire him to give the royal assent to Bills, he would say, My good people of Ireland, you have by your own law made the Great Seal of England absolutely and essentially necessary to be affixed to your Bills, before they can pass into laws in Ireland; that Seal is in the hands of the Chancellor of England, who is a sturdy fellow; he is an officer under the Regent of England; I have no manner of authority over him; he will not *lend* me the Great Seal of England to affix to your Bills; and so, my very good people of Ireland, you had better apply to the Regent of England, and request that he will order the Chancellor of England to affix the Great Seal of England to your Bills; otherwise, my very good people of Ireland, they cannot pass into laws; I have no legislative authority whatever as your Regent.

We are told in a very learned and elaborate speech, that the penalty of *premunire* is annexed to the crime of both, or either of the two Houses, attempting to legislate without the consent of the King; and the remedy proposed by the learned author of the speech, is, to avoid the danger of the statute, by appointing a Regent of our own by Address. I pass by this sagacious expedient for avoiding the penalties of the statute. However, I shall thank the supporters of this Address, if they will point out to me, in what book of authority they have discovered, that the office of a Regent of England or Ireland is recognised by the common law, or that they have discovered the powers annexed to such an office by the common law. The fact is, that in no two instances in which the Royal powers have been delegated, have they been granted in the same extent. And there is not an instance in the annals of England, in which full Royal powers have been assumed by a person who did not claim the crown in possession, except by the murderous usurper Richard. And by

the settled law of this land, if you look for the powers which are to be exercised by a Regent, or a guardian of the realm, you must look to the instrument by which his powers are created; and, by the settled law of this land, these powers can be created only by statute, or by commission, under the Great Seal of England. What then are we about to do on this night?—Without a tittle of evidence upon which a House of Parliament can proceed—without examination, enquiry, or deliberation—without any communication with the government of Great Britain—we are about to address the Heir Apparent of the Crown of Great Britain, of his own authority, or, if you will, of our authority, to assume the powers of government, which, at this hour, are lawfully and rightfully vested in *his* King, and in our King. And if this Address shall ever find its way to the Prince of Wales, it will startle the boldest adventurer in England: and when a moment of reflection shall come, this will startle every loyal subject of Ireland.

Let me remind Gentlemen of the language which they held at the period when England complied with every thing which we desired—"Common fortune," "perpetual connection," "we will rise and fall with England," "no constitutional question can hereafter arise between the two countries." What is the language now on a great question of imperial policy? We will not wait for the decision of England. If we wait for her decision, we give up our independence. We will not even condescend to receive authentic information of the proceedings of the British Parliament, so far as they have gone. If we receive this information we give up our dignity. What was the argument which forced the memorable fourth proposition upon us, in 1785? Ireland is an independent country; if we open our ports to her without limitation, if we share our commerce with her, what security have we, that she will follow us in regulations of imperial policy? If this treaty be concluded without such security, and Ireland shall think fit to adopt regulations for her trade and navigation different from ours, it must bring on a war with Ireland, or an union; and there was great force in the argument. And we are about to
 prove,

prove, that the Gentleman who used it, was perfectly well acquainted with the dispositions of his countrymen. For certainly, Sir, if it is to be a point of dignity and independence with the Parliament of Ireland to take the lead in questions of empire, and to differ with Great Britain, to shew our dignity and independence, it must bring on an union with England, or a war; and if this precipitate measure is abetted by men of authority in England, it is abetted with a view to bring about an union with the Parliament of England, and certainly it is the strongest foundation which can be made for such a measure. If all the sluices of corruption were opened upon the two Houses of Parliament, such a measure could never be forced upon this country, unless the landed gentlemen of Ireland see that the government of this country becomes impracticable in its present form, and that they must submit to an union, or see this wretched island become a stake for England and France to fight for.

The *Secretary of State* said, that he lamented he was under the necessity of differing from those gentlemen, with whom he commonly acted, as to the mode suggested by them, of appointing a Regent; he thought it should be done by an Address, and that it could not be done by an Act of Parliament, though he agreed that an Act of Parliament might be proper to give the forms of law to the appointment of the two Houses of Parliament; but this was proper only because judges looked into the statute-book, and not into the journals of Parliament, for their direction in expounding the law: but he affirmed, that the Lords and Commons of Ireland, whether assembled in Parliament or in Convention, are fully competent to supply every deficiency in the supreme executive, from whatever cause such deficiency may arise; they had this power, because they represented the three estates of the realm, and, he said, those principles appeared from the authority of Sir Edward Coke, in his best constitutional work, published at the desire of the Long Parliament; but these great principles were established beyond controversy, by the great precedent of the Revolution; in that instance, the two Houses supplied the defect in the exe-

cutive, by vesting the Prince of Orange with the full powers of the Crown; this was done without condition or restriction; they enumerated their grievances, but they thought it necessary to supply the deficiency in the executive power, before they redressed them; the vacancy of the Throne did not affect the question of the power of the two Houses, so far as it related to the supply of the deficiency in the executive; the Lords, who at first voted that the Throne was not vacant, agreed as to the power of the two Houses; and the distinction attempted as to the vacancy of the Throne, applied nominally to the regency, but really to the succession. He affirmed, that the two Houses acted in this respect in their representative and not in their legislative capacity: it was clear what the two Houses could do, and what they could not do; they may supply a deficiency in the third estate; but when they have done this, they are *functi officiis*; their power extends no farther; they cannot prostrate, though they may rebuild; they may supply the main spring, but they cannot make a new machine; they may supply a defect in the exercise of royal power, but they cannot change the constitution: he compared it to grants from the Crown, where, if the King annexed a condition or restriction, restricting the legal powers of the office, the grant was good and the condition void; it was, he said, like the execution of powers by individuals, who could do the act which they were empowered to do; but if they annexed a condition, to which the power did not extend, the condition was in itself a nullity. No precedent existed, he said, of supplying a deficiency in the third estate by the legislature; in the precedents in the reign of Henry the Sixth, the legislature was full, and being so, proceeded to restrictions; and the legislature was full, not by fiction, for he considered the acts of the Privy Council in directing, and of Chancellors in issuing writs, for the meeting of Parliament, and in the appointment of a Commissioner to meet that Parliament, as very different from the conduct of the two Houses of Parliament creating by their authority a fictitious third estate; because, in the former instance, the persons directing the Great Seal to be used, and the officer using it, are responsible to the

two Houses of Parliament for any abuse of their official powers ; but the two Houses of Parliament, if they exceed their constitutional powers, are under no check or controul. The Chancellor, in the time of Henry the Sixth, and Lord Hardwicke, in the year 1754, acted honestly and boldly, in affixing the Great Seal to Letters Patent, appointing Commissioners to meet the Parliament ; but that the two Houses of Parliament should appoint a Commissioner to meet themselves, appeared to him to be a fiction, not warranted by precedent or by reason ; but in this kingdom, a Regent could not be appointed by Act of Parliament.—To every Bill in this kingdom, besides the assent of the two Houses, three things were necessary : the Great Seal of Ireland, and the Great Seal of England, which must be affixed to every Bill before it can pass into a law ; but a third requisite was indispensable, namely, a Commission for giving the Royal Assent ; such a Commission was annexed to every Bill, and it could only be granted to the Regent of Ireland ; and therefore no law could pass in this kingdom till a Regent should be first appointed.

Would any man say, that the Regent of England could, as such, give the Royal Assent to an Irish Bill ; or that if he had not the power of doing it by himself, he could grant a Commission to any other person to do it ? He further observed, that resorting to the Great Seal of England, which must be done, if the mode of originating this measure by an Act of Parliament was practicable, was a measure unnecessary in itself, and for the most obvious reasons highly inexpedient. If they could not appoint a Regent by an Act of Parliament directly, they ought not to do it fictitiously ; a mode of proceeding which Houses of Parliament had never heretofore adopted : but it could not be done by any fiction in this country, for though we took upon ourselves to direct the functions of the Chancellor of Ireland, we could not direct those of England ; and if we could, whatever was done by the order, and under the authority of the two Houses, must be considered as done by the two Houses themselves, and would be nothing more than a vote of the two Houses in a different form ; but even if they
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had the power of supplying the supreme executive by an Act of Parliament, which they certainly had not, yet they ought to prefer the mode of Address, as being the most immediate. The necessity was urgent; protection was the source of allegiance; the people of Ireland were entitled to the protection of a Monarch, or of a person empowered to exercise all the Royal functions, and that constitutional protection they had not at present: for a delegated Government, not under the control and direction of the Monarch, was not the Constitution of this kingdom. Those who resorted to an Act of Parliament, had in view the restrictions more than the appointment of a Regent; and therefore they legislated well, convinced that nothing but the legislature could restrict. He said, the country had a right to expect that those who had been many years conversant in the law and in the usages of Parliament, should deliver their sentiments upon a subject of so much importance and novelty; and declared that he never gave an opinion from clearer conviction than in agreeing with the motion for an Address to his Royal Highness the Prince of Wales, requesting him to assume the exercise of the Royal functions, as the only constitutional and practicable mode of proceeding.

In reply to the Attorney General, he affirmed, that the Acts annexing the Crown of Ireland to the Crown of England, did not apply to the present question, unless it was affirmed, that the Regency of Ireland was inseparably annexed to the Regency of England, which no man would venture to affirm. The Great Seal of England made no difference in the question, whether it should be affixed by the Regent of England in that capacity, or as Regent of Ireland; for a still farther act remained to be done, namely, the grant of a commission to give the Royal Assent. He was surprised to hear it asserted, that this Commission was a work of supererogation; he affirmed, without such a Commission the Bill could never pass into a law, and insisted, that to maintain the opinion of the Right Hon. Gentleman, he must establish one of these propositions: either that the Regent of England could grant a Commission for giving the Royal Assent to Bills in Ireland; or, that the Royal Assent

Assent to Bills in Ireland was unnecessary, or that it was not necessary to give it in Parliament. He affirmed, that the Act of 1782 made no alteration as to the manner of passing laws; the Great Seals of the two kingdoms were as unnecessary before as after passing that Act; its object was the prevention of alteration by the Privy Council of either kingdom, and therefore it enacts, that the Bills passed by the two Houses should be certified under the Great Seal of this kingdom, without alteration, and should be returned from England in the like manner, and that such Bills, and no others, should pass in Parliament here; that this Act does in no sort interfere with the Royal Assent, but supposes that it is to be given, as heretofore, by the words, "passed in Parliament;" and he presumed it would not be contended, either that such an indispensable requisite as the Royal Assent to a law should be taken away without an express Act of Parliament for that purpose, which would be a law subversive of the Constitution; or, that the affixing the Great Seal of England, in the Privy Council of Great Britain, to an Irish Bill, was giving the Royal Assent to such a Bill, which assent can only be given in full Parliament.

He then adverted to something that had fallen in debate from other Gentlemen, of favours received from the Crown, of deserting the King in his infirmities, and of the punishment that would await such transgression on the recovery of the Sovereign. This kingdom, he said, was not so circumstanced as to attend to the care of his Majesty's Royal Person in his present unhappy state. No man would, or ought to have gone further than he himself in the performance of this duty; but the only attention in the power of that House to shew to the infirmity of their Sovereign, was to supply the deficiency in the supreme executive, by requesting the Heir Apparent to exercise the Royal functions during his Majesty's illness. He had the most entire conviction, that on his Majesty's recovery, he would express his Royal approbation, that this was done immediately, without imposing any disgraceful restrictions on his Heir Apparent: and he had this conviction on two grounds;

grounds ; because his Majesty had been always pleased with that conduct in his principal servants, that tended most effectually to promote the happiness of his people ; and because that Great Personage who must be supposed to be best acquainted with his Majesty's sentiments, has been pleased to mention, if we can depend upon the public prints, that such would be found to be the disposition of our Sovereign ; but if his Majesty's Ministers should, on the restoration of his health, advise his Majesty to give any marks of his royal displeasure to such of his servants, as on a great national and constitutional subject followed the conviction of their judgments, he would patiently abide it, and would never wish to serve with such Ministers. He reminded the House that he had frequently, on great commercial and constitutional questions, differed from his Majesty's Ministers, and would be ever ready to do so, and to stake whatever he or his family possessed under the Crown, in following the decided dictates of his judgment. He acknowledged, with the deepest sense of gratitude, the great favours which he had received from his Majesty, whom he had had the honour of serving for twenty-eight years, and was now one of his oldest servants in the state or law ; that he had served his Sovereign with diligence and fidelity, and thought that the best return to be made for Royal favours was, an honest performance of the important and arduous trusts reposed in him by his Sovereign, and a perseverance in supporting the dignity and strength of his Majesty's Government, and the happiness and prosperity of his people. In respect to personal attacks, which he was informed had been made in his absence by a Gentleman not known to him, he would only say, that if that Gentleman thought it of any advantage to him, or his argument, he had not the least objection to his taking that liberty ; but it certainly would be of no advantage to him or his argument, to take the same liberty with that Gentleman ; but as a revenue office which he held had been mentioned, he thought it necessary to explain that matter to the House. He said, he was a purchaser of that grant from the Crown, he did not mean
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for money, and had refused to accept of the grant, unless the consideration for it, which far exceeded the value of the grant, was recited in the Letters Patent, which has been accordingly done; and if it should ever be necessary to lay down any rule for lessening the national expences, to which the circumstances of this grant may not be thought to furnish a just exception, he should be found ready to support such measures, without regard to any interest of his own.

The *Attorney General* denied, that denunciations of vengeance were held out by Administration.

Mr. *Curran* said, if he did not pay more attention to the Gentleman as a prophet, than as a lawyer, he should not notice his new doctrine; for before he broached it, he declared it would pass for nothing in the House. It was a gross blasphemy against the Constitution, and should not be suffered to escape under the shelter of its insignificance; he had, however, little hope of reforming the bad sense which conceives folly.

The competence of Parliament to address had been denied; he, as a lawyer, would assert, that, as the Representatives of the People, they were not only competent, but were called upon by the voice of the Constitution, in the King's incapacity, to provide for the Executive Government by addressing the Prince.

But as to the new doctrine (says he), is it in Ireland—is it in this House I have lived to hear such abominable principles advanced, and from a professional man? By a monstrous confusion of ideas, he misconceives, that that sign which is necessary to make Acts of Parliament laws, makes laws itself without the assent of the third Estate. I would rather leave the Gentleman's ideas to be, like his household gods, the companions of his fears, than reply to him, were it not on so great an occasion.

What! did you, by the Act which took away the power of altering your bills in England, reduce yourselves to the degraded situation of a perpetual Convention, without any third estate, to be dictated to by a British King? No; and the man
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that says so, utters a desperate kind of blasphemy against the Constitution—like the sinner against religion, who says in his heart, “there is no God!”

Because *Attorney General*, he thought it right to argue the question like an attorney particularly, with evasion and perversion; like a thing wrapped in the cloak of law, which saw nothing, but hunted through the maze of statutes, and nosed out points, he took no vantage ground of the Constitution. It is only in a bit of wax that he can discover the third estate of this realm!—Against the restrictions, Mr. Curran urged this argument: It is a maxim of the Constitution, that the power of the third estate could never be diminished without its consent; the executive branch was not now in a capacity to assent; how then could it be diminished? As to the power of the English Regent superseding the Irish, he said, he heard it, as he might say, in sober sadness; when sentiments of such a pestiferous nature were exhaled from the mouth of a law authority, they were an aspersion on the independence of the country—subversive of the Constitution, and only exempt from dangerous conclusions by their absurdity.

Mr. *Bushe* contended that the Gentlemen who preferred a Bill to an Address, had furnished decisive arguments against themselves. If they imagined that in following the example of the British Parliament, they acted on the same principles with that Parliament, they were grossly mistaken. In England, no man pretended that to put the Great Seal to a law without the Royal volition, was a legal act. It was an act of high presumption, justified by (as they argued) and sanctioned by the authority of the Commons, who alone could impeach the Chancellor for doing that act; and by the Lords, who alone could try him on such impeachment. But in Ireland, it was contended, that to pass a law without the volition of the Irish King was perfectly legal. We were to have no Bill of indemnity; the Constitution was to be defended by no confession that the act was illegal; it was to be justified, not by the necessity of the case, but by the law and constitution of Ireland. What was this, but to say that Ireland was not a monarchy, to contradict the very law that had been read at the
table,

table, which declared that William and Mary, and their successors, should be Kings of Ireland, and have all the powers and prerogatives of Kings? What was it, but to deny the Act of Henry the Eighth, which declared, that he and his successors should be Kings of Ireland, and enjoy all the rights and prerogatives to a Crown Imperial belonging? Would any man deny, that to give his assent to a law, as King of Ireland, was a right belonging to an Imperial Crown? The consent of the King of England, certified under his Great Seal, was made necessary by statute; but the consent of the King of Ireland never had been declared to be superfluous. Mr. Bushe then entered into some of the laws. By the law of Philip and Mary, after a Bill had been certified under the Great Seal of England, it might be passed, if agreed to by the three estates of the Parliament of Ireland. These were the words of the statute, and they did not leave a doubt, but that the assent of the King, as well as of the Lords and Commons, was necessary, though the Act had been certified under the English Great Seal.

During the whole argument of the Attorney General, he had been making this observation to himself:—This is all very ingenious, but all this time where is the *will of the King of Ireland*? Gentlemen had been perpetually mistaking the usual proof and symbol of the Royal volition, for the Royal volition itself. The law of 1772 did not take away the necessity for the Royal Assent; it says only, that such Bill as shall be returned without alteration under the British Great Seal, and no other, shall pass:—but where? (mark the words that follow)—in the Parliament of this kingdom. But how are they to pass in the Parliament of this kingdom?—not in the Commons, they had passed them before; not through the Lords, they had passed through them before they were certified. By what estate of Parliament then are they to be passed in the Parliament of this kingdom?—by the King of Ireland only. Thus there is not even an implication in this law against the King's undoubted prerogative of giving his assent to our laws; so that it comes to this:—if we agree that a Bill can pass without the Royal will of the King of Ireland, we neglect our duty to our King;

King ; and if we say that any other assembly besides the Irish Lords and Commons can authorise any personage to represent the Royal will, we neglect our duty to our Country.

Mr. *O'Hara* said, he wished to assign his reasons for voting for the resolution, if he might obtrude upon the Committee for a few words. Had he risen earlier in the debate, he had considered the subject so minutely that he perhaps might have spoke more at large, and stated the constitutional grounds on which the measure stood. But it was too late an hour.

He said, the debate had deviated from its proper object, for there was no question about the right of Ireland to appoint a Regent ; that right was acknowledged on both sides of the water ; had it not been admitted in Great Britain, the subject would not have been brought forward by Administration here as it had been, and there could be no difference about the unity of the executive power so long as our present statutes remained unrepealed, which were a strong connecting link, and highly beneficial to both countries.

The only question, therefore, related to the propriety of proceeding by Address, and this, in his opinion, was the only unexceptionable mode of proceeding ; for the Houses of Parliament, whether separately or in conjunction, have no inherent right to appoint a Regent. It is *casus omissus* in the legislature, which cannot be remedied by the two Houses of Parliament ; for as they could not pass any act of legislation, much less could they repair a deficiency in the legislature itself. None of the precedents of former times were more than precedents of expediency, which shewed what was thought proper to be done for the safety of the public ; but though the Houses of Parliament stood forward to what was right and expedient, they declared no inherent right to do so, but rested the validity of their interference on the subsequent approbation of the people. The House of Commons enjoying the confidence of the people, and the House of Lords standing on their high hereditary rank, are called upon to come forward in such cases of emergency ; and if their conduct be right, they may be sure of the people's approbation. An Address then is the proper and

unexceptionable mode by which they may best call upon the Prince of Wales to assume the reins of Government, and offer him their support ; and it is a ground upon which he may safely stand.

The public credit has often stood upon a single vote of the House of Commons, and the Regent might well stand upon a vote of both Houses approved of by the people ; and thus the exigency of affairs is provided for, without encroachment on the people's rights ; and if, after all, an Act of Parliament be desirable, that all may be obtained whenever the legislature shall be complete.

Mr. Corry said, he considered the Address as the best mode of proceeding ; it was the most dignified, he believed it to be the most constitutional, and he was certain it was most accordant with the feelings of the nation. He said, he would not have risen to trouble the Committee with his sentiments, had not something fallen from the Right Hon. Gentleman, which, as he believed it unfounded, he felt himself disposed instantly to reject. It had been intimated, that Government had unwarrantably interfered in the question under discussion ; he was convinced no such interference had taken place. If any application had been made to Members of Parliament, it was highly probable that some suggestion of a wish would have been made to him, favoured as he had been by the personal attention of the Chief Governor ; he therefore took that opportunity to declare, that no application had ever been made to him, and he called upon that man to whom any such had ever been made, to stand forward and avow it—there was none such. He said, it was not easy to answer the Right Hon. Gentleman ; what with misusing words, and the manner in which they generally fell from him, he very seldom understood enough of his speech to reply. But the Right Hon. Gentleman had made use of some strictures on parties in Parliament and Cabinet ; if he meant those of England, the strictures were indecent ; if he alluded to the Cabinet in Ireland, it only put him in mind of what had fallen the other day ; if the Chief Governor of Ireland is attacked, the question naturally

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suggests

suggests itself—for what is he attacked? is it an offence that Lord Buckingham has devoted his time and his labours to promote a reform in the expenditure of the public treasure—that he has put a stop to jobs—that he has detected peculation, and that he has endeavoured to put your finances on a respectable footing? Yes, these are offences; and if there is a jobber in the country, he is an enemy to Lord Buckingham—if there is a peculator, or a public defaulter, he is an enemy to Lord Buckingham—if there is an office in which fraud has long triumphed, that office is inimical to Lord Buckingham. I have heard, said he, much of the Lord Lieutenant's haughtiness, and his supercilious disregard of persons; is it because the Marquis of Buckingham, having himself an honourable mind, having no object in view but the good of the country, has not been mean enough to stoop to flatter little men, who may have crept into office, God knows how—is he therefore to be accused of haughtiness and a supercilious demeanour? I have heard the Lord Lieutenant called a scourge: he is no doubt a scourge to public plunderers and peculators; he has resisted jobs, and therefore he is abused; he has been the man to place himself and his character in the gap to stem corruption; he has given you the benefits of the law proposed to limit pensions, though that law was rejected—and therefore he is a man to be abused. Sir, I should hold myself guilty of meanness if I did not bear this testimony to the Marquis of Buckingham, now in his decline, when I can have no motive but a regard to truth; in the zenith of his power, many would have praised him.

Right Hon. Mr. *Grattan*.—It has been said from the other side of the House, that if we would admit some alterations in this Address, it might be made to pass unanimously. I am as much disposed to unanimity as any Gentleman, but it is impossible for me to let pass some doctrines that I have heard.

It has been asserted, that we have no King of Ireland; for it is said, that the Royal Assent is given to our laws by the King of England; and it is said, that England may appoint a Regent to supersede any Regent that we appoint. If this be true, then is your King a cypher, and the Parliament of
England

England is your legislator. It is therefore, Sir, that after hearing these principles avowed, I find it impossible to bend in the smallest degree. The idea of restrictions is scouted. The Right Hon. Gentleman despises the mean suspicious plan of restraining the Regent in the exercise of Royal Prerogative. His opposition is not founded upon that principle; it is to the mode of proceeding by Address. The mode of proceeding by Address is said to tend to the separation of the two countries; and to prevent this, it is proposed to appoint a Regent, not by the authority of Ireland, but by the authority of England; and an argument has been drawn from our sending Bills to the Lords; but Gentlemen have no right to argue in this manner; it is an argument against free agency—it is an argument against volition—it is an argument that would cut off the right hand of a man, lest possibly he should commit suicide. Sir, we do not come here to receive lectures on law, but to act for the people of Ireland. It would have been better never to have been free, than to make your freedom your disgrace. The Address, Sir, is warranted by precedent—the glorious precedent of the Revolution. It is warranted by the opinion of Locke, of Lord Somers, Lord Holt; by the opinion of every constitutional writer, and of every constitutional lawyer. But it is opposed by a lawyer, whose opinion is in all cases of *law* of very great weight in this country; and what does he propose? He proposes that you should pass a Bill, upon supposition that it is the Great Seal of England, not the King of Ireland, that assents to your laws; that is, you pass an Irish Act without an Irish King: because, says the Right Hon. Gentleman, the Chief Baron's Bill (for it is not mine) takes away the power of giving the Royal Assent from the King of Ireland, and gives it to the Great Seal of England. But this, Sir, is not the idea of the Bill at all. I have consulted the Chief Baron upon it. The intention of the Bill was to take away from the Privy Council the power of altering Bills. The law is, that Bills that shall be returned without addition, diminution, or alteration, certified under the Great Seal of

England, shall pass—that is, shall be capable of receiving the Royal Assent in Ireland, and none other; the object of the Bill is to prevent alteration, diminution, or addition, and the Great Seal of England is the evidence that they have undergone the consideration of the King in Council. This is the true construction of the law, and if any other is pressed, we must repel it by a Resolution of this House. We must sustain the Throne of Ireland by the Parliament of Ireland.

The Act of Henry VIII. has been referred to; the intention of that Act was not to extinguish and abolish the crown of England, but to raise the Lord of Ireland to the dignity of a King; because, says the Act, for want of such style the Irishmen have not been obedient. At all times the people of Ireland felt their dignity injured in being governed by any thing less than a King; yet we are now told, that the Great Seal of England is our King—a bauble is our King! No, when the Right Hon. Gentleman says, that the union of the Crowns is the bond of connection and your security, he is right; but when he says the Great Seal of England is your King, he is wrong; it is therefore nonsense to say that people owe allegiance to a Seal, to a bauble of a trifle: but in politics, as well as in metaphysics, men often mistake *second causes* for the *first causes*—the Right Hon. Gentleman has mistaken the *form* and *symbol* for the *thing* and *essence*: Thus the Magi of high authority mistook the *sun* for *God*, the creator of the sun, and led a nation into their error. The Right Hon. Gentleman has said, that if we proceed by Address in the manner proposed, we lead to a separation. I desire to know how? Let him specify the step; for to say, that to make the Heir Apparent Regent, to put into his guardianship all the right and prerogatives of the Crown, tends to a separation, is to say a thing which no rational man can regard. There is no man who wishes a separation, least of all those who wish to maintain the prerogatives of the Crown; were we to consider the connections of the Crowns only and nothing else, yet would I oppose the principle of the Right Hon. Gentleman, as detach-
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ing the people of Ireland. Nothing can so much weaken our attachment to England as such language. Were it held out in England, it would, indeed, produce that effect. But I will tell the Right Hon. Gentleman, that the power of exercising our liberty is perfectly compatible with our connection with England; and were it possible to bring Ireland bound neck and heels to the foot of the Throne, an arbitrary monarch would, if he had wisdom, set her free, convinced that her affection was the only security for her attachment.

Attorney General. I beg leave to remind the Right Hon. Gentleman, that these very objections were stated to him at the time he made the act; and if the Great Seal of England is by the Act rendered indispensably necessary to the passing of Irish laws, 'twas he and not I that made it so. He was one of the framers of this law. The objections which he has been pleased to make to my argument, were made to his Bill by Mr. Flood, before it passed into a law; the objections appear on your Journals; and therefore, in arguing upon this law, I must look into the Statute Book, and not enquire of the Right Hon. Gentleman, what were his intentions in framing it.

I find in the Statute Book, that the Great Seal of England must be affixed to Irish Acts, before the King's Lieutenant can give the Royal assent to them here; and if this deserves all the emphatic displeasure which the Right Hon. Gentleman has been pleased to bestow upon it, let him look into the Statute Book, there he will find his own wisdom: and in a Court of Law, or even in the House of Commons, I should be laughed at if I were to argue, not from the law as I find it in the Statute Book, but from the Right Hon. Gentleman's meaning when he framed it. I never said the Great Seal of England made the law, but the Great Seal of England is the Lord Lieutenant's warrant and authority for passing the law, and without which your own Act declares no law shall pass.

Sir, my words and sentiments are misquoted; I never said that the Crown of Ireland was merged and extinguished in that of England—No, I say that the Crown of Ireland is an Imperial Crown in itself; and where, by our own law, the Great Seal of

England is not made necessary, the King acts as King of Ireland, and speaks by his Great Seal of Ireland. If the Right Hon. Gentleman's Act had run thus, That no Bill should pass unless it was returned under the Great Seal of England, and that a Commission should pass under the Great Seal of Ireland for giving the Royal assent, then the law would have been what he now stated it ought to be; but if there is a defect in the law, on his head be it.. He might have had the Great Seal of England, as a proof that the Bill had passed under the consideration of his Majesty in Council; and he might have the Great Seal of Ireland, as an authority for passing the Bill into a law.

And now if the 'Right Hon. Gentleman is founded in his objections to the manner of passing Bills under his own law, I hope it will be a lesson to him not to precipitate great and important measures. When that Act was before this House, a Gentleman, who for twenty years last made the law of Poynings his peculiar study (Mr. Flood), made the objections to this act which the Right Hon. Gentleman makes to my construction of it, and they were scouted by the Right Hon. Gentleman. [Reads]

“ We are, however, obliged, whilst we pay every acknowledgment to your Grace for the part you have taken in these measures, to lament, as to the modification of the law of Poynings, that it hath been so conducted as to leave it doubtful, whether by contravening the provisions of the law of Poynings, it is not incapable of becoming the law of the land, and whether it is not *ipso facto* null and void. That it hath implicitly confirmed all the pernicious principles of the ancient constitution, without removing many of their effects. That it hath no provision to take away from the Privy Council of Ireland the unconstitutional power of originating Bills, nor to restore to Parliament the capacity of originating Bills. That, contrary to the express tenor of our Address of the 16th of April last, it hath left to the British Council the power of stopping Bills. That it hath taken from the Crown the power of doing that, which, by the law of Poynings itself, the
King

King could have done, namely, of giving the Royal dissent, as he doth the Royal assent, in the only method known to the constitution, viz. openly and in full Parliament; and thereby hath deserted the first principle of the union, to wit, a similar constitution with England, and a similar fate; and that by a confused medley of old and new law, it leaves a doubt whether, in just, legal construction, any clear and unexceptionable method will remain for carrying on the work of legislation in the Parliament of this kingdom. With regard to the 6th of George I. we must lament that, though in hope that to quiet the people, this House, without having read or seen the Act of Repeal, have declared that the British Parliament have fully, finally, and irrevocably, acknowledged our sole and exclusive right to make laws for Ireland in all cases, external as well as internal; yet we have much ground to doubt this hath not been sufficiently done, and to believe that the people of Ireland are growing more and more of that opinion."

And therefore, Sir, I am not to argue upon the law as it should have been, in the Right Hon. Gentleman's opinion, but as the Right Hon. Gentleman made it; if he made it erroneously, the error is his, not mine.

Mr. Grattan. The Right Hon. Gentleman has relied much upon the difficulty arising from the law repealing the law of Poynings, and he has attributed that law to me. The law was not mine, though certainly I did support it. That law was drawn by an able honest man, and a constitutional lawyer, Chief Baron Yelverton—a man whose very name will stand a refutation of any unconstitutional charge. It had also the assistance of many wise and able men; and what is more, there was in the House at the time of its passing, a lawyer of great eminence and ability—a Mr. John Fitzgibbon, who did not oppose it, neither did he object to the Address in which the ideas of this Bill were contained. Am I not then warranted to suppose, that the Bill was perfectly consonant to law and to constitution? Is it not unnecessary to make a defence? But the Right Hon. Gentleman is disposed to a rapid misconstruction in Constitutional questions. A Bill

does not become law by the Great Seal of England, but by the Royal Assent of the King of Ireland; and therefore he is mistaking baubles and seals for Kings, his quibble substitutes the sign for conveying the Royal Assent for the Royal Assent itself. Let him look to the very authority he cites as an argument, the Amendment to the Duke of Portland's Address: that Amendment did not turn on the Royal Assent being given, but on the Royal Dissent *not* being given in open Parliament. Upon the whole, I believe, Gentlemen who had any hand in passing that Bill, will have no cause to be ashamed of that transaction; but if Gentlemen think that by any misconstruction of this Bill, the rights of Ireland can be invaded, let us pass a resolution condemning that misconstruction, let us say the Royal Assent is necessary, for we must support the Imperial rights of the Crown of Ireland.

Attorney General. When phrases unbecoming an House of Commons are used, it becomes necessary that the Right Hon. Gentleman should not go unreprehended. Sir, that Right Hon. Gentleman and I were bred to the same profession; he quitted it; I adhered to the profession; he did very right; I have not done wrong; we have both succeeded; the Gentleman has used harsh words, which I reject; and with great good nature has accused me of speaking disrespectfully of a man whom I must ever honour and esteem. I call upon the House whether the most remote insinuation of disrespect for that Gentleman ever escaped my lips. The Right Hon. Gentleman stated that I did not oppose his act in its progress through the House; I did not; because I consider the Act as it stands as our best security for the connection of this country with England; and if I entertained a different opinion I would not then have stated it, because every man who ventured to differ with the Right Hon. Gentleman, who had then also a majority at his back, was treated as a discontented man; and when I saw Mr. Flood's amendment scouted, I thought it not necessary to expose myself to the violence of the day. I have said nothing disrespectful to the Gentleman's Act, I have merely argued upon the law it contains; but I well know,

Sir,

Sir, that Right Hon. Gentleman is much disposed to use harsh terms, and to fall foul of any man who differs from him, and that this disposition encreases four-fold when he has a majority at his back. I shall, however, say no more as to the Right Hon. Gentleman's expressions, he has taken his line, I have taken mine; I hope we have equally succeeded. As we are on the subject of speculation, I must observe, that the last speculation was the wildest that ever came from the Right Hon. Gentleman. *Let the House of Commons pass a Resolution to alter the law of the land*; let the House pass a resolution for the interpretation of the statute. God forbid a resolution of the House of Commons should alter the interpretation of the law of the land. No, if the law be improper let it be repealed, but let no single branch of the legislature presume to make the law.

Mr. Grattan. It is not my intention to alter the law, but when a great law officer of the Crown promulgates an illegal opinion of law, tending to deprive the monarch of Ireland of his authority, I think it my duty to meet and refute that opinion. Sir, the Gentleman has mistated the law, and I will tell you where he has mistated it; it is on a constitutional point. The Gentleman complains of my intemperance, and talks of my power, when the repeal of Poyning's Law was passed; certainly my power must have been very great, or his temper was very meek; yet, great as it was, if he had then stated a legal doubt, I should have adopted it. He says, that we were both bred to the same profession, that I left the bar, and I know why; it is true, and I know what he means; because I had no business; I rejoice that I had no business, and I rejoice the more, when I see what use a man of great business may make of his talents. He complains of the harshness of my expressions; Sir, I say a lawyer quibbles, when he says the Great Seal is the King, that an inanimate substance possesses the Royal authority; but he ought not to be offended, for nothing but a quibble or a bad principle could lead to such a misconstruction; and it is therefore rather a compliment that I call it a quibble; for a quibble is incidental to his profession,

feſſion, but I am ſure a bad principle is not incidental to his nature.

The *Secretary at War*.—I, like the Right Hon. Gentleman who preceded me, feel it incumbent upon me to ſtate my reaſons for differing from thoſe Gentlemen with whom I have hitherto had the honour of acting; I object on this occaſion to our waiting till England ſhall have completed the buſineſs of the Regency, becauſe I think it would be diſgraceful to this country, and injurious to her independence, and I am convinced it would be completely ſubverſive of the Conſtitution, were we to proceed by Bill, in the manner propoſed by the Right Hon. Gentleman (the Attorney General). This, Sir, is a queſtion, not of Engliſh Government, but of Iriſh Conſtitution; it is a queſtion where two branches of the independent and ſupreme Legiſlature of Ireland are, as of right they ought, to judge for themſelves. Upon a queſtion of ſuch Conſtitutional magnitude, and, in other reſpects, of ſuch national importance, it is beneath this Houſe to look to the right hand or the left. I am by no means convinced of the neceſſity of our conſulting what others may have done, but I am convinced of the neceſſity of our conſulting our own dignity, the honour of the nation, and the genius of the Conſtitution. We are now placed in a ſituation which we may render, by our conduct, the moſt dignified of any in which this Houſe was ever placed, ſince that memorable æra which eſtabliſhed the independence of our country. But we may alſo render this ſame ſituation one of the moſt humiliating we have ever known, ſhould we follow the advice of the Right Hon. Gentleman (the Attorney General), ſhould we adopt the deſpicable expedient of putting our underſtanding into the keeping of other men; ſhould we acknowledge to the world, upon an emergence like the preſent, our total incapacity to act for ourſelves. We are to determine upon the means, the Conſtitutional means, of ſupplying the deficiency in our Legiſlature, which has ariſen from the unhappy malady of our Sovereign. We have a plain line of conduct before us: we
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are to take care to preserve the Constitution entire, and our connection with the sister kingdom unimpaired ; these are, as it were, two landmarks to direct our course ; while we keep them in view we cannot go wrong.

I know not, Sir, what has been done in other Houses of Parliament, nor will I insult the Members of this House, by the degrading supposition that we are to look to another country in order to learn our duty to our own. That we are to stand with folded arms, waiting in humble silence, and ready to receive, with mean submission, the dictates of any assembly of men ; to suppose so, would be to suppose you had forgot the Constitution you acquired, or that you felt that you were unworthy of it ; but 'tis not so ; on the contrary, I am proud to assert, that the Parliament of Ireland was never more competent than at the present moment to assert the Constitution, and I trust it will be shewn they never were more determined. Here are no party animosities, here are no views of interested ambition : unbiaſſed and uninfluenced by such considerations, you will act with the spirit of freemen that know the value of your liberties, you will scorn meanly to follow any other assembly ; you will act like men who deserve a free Constitution.

There is one difficulty only in your way—'tis certain the Legislature has not distinctly laid down the course you are to pursue, but it has clearly pointed out the rock you are to avoid. When we find ourselves in a situation where the law is silent as to our conduct, we should not leave it to place ourselves in one which the law forbids ; there is a wide difference between addressing the Prince to take upon himself the office of Regent, and passing an Act of two Branches of the Legislature to enable him so to do ; in the first case we violate no law, but act agreeably to the principles of the Constitution ; in the other, we act in direct violation both of the Constitution and law.

There must either be in some one a claim of right to supply the deficiency in the Executive Government, or there must be a right in the two Houses to supply that deficiency ; no claim has been made, but the two Houses are called upon ; they are
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only to proceed by Address, for if they presume to legislate, they grant a right which they have not, and in a mode where they are not warranted.

I cannot find that either the common law, or the statute law, gives any right to the Prince of Wales to assume the Regency ; neither are the Houses, by any law that I know, empowered to bestow it on whom they will : but there is a statute which prohibits the two Houses, in any possible case, from legislating without the concurrence of the Crown. If therefore we proceed by Address, we at the worst commit but an unavoidable irregularity, where the law is silent, though the Constitution and precedent both clearly speak ; but in the other case, we are guilty of the contumacy of acting in defiance of law, and violating the Constitution.

It has been said, that the necessity of the case obliges Parliament to violate the law ; but this is a doctrine equally dangerous and absurd, for it is in cases of such peril as the present that the ability of the law has been most manifest ; in common and ordinary cases the utility of the law, which forbids the two Houses to legislate without the King, cannot be known. Were the Crown in the exercise of its authority, nothing but force of arms could make it submit to such an invasion of its rights. If, then, only in cases of difficulty and distress like the present the two Houses can ever attempt to act without the concurrence of the third estate—is it manly, is it generous, to seize such opportunities to pilfer away the rights and prerogatives of the Crown ?—No, it is in such cases the law should become a protection to the Crown, a guard and a bulwark to the Constitution—'tis then that it tells both Houses—“ Your power is no more, till you have supplied the deficiency of the third estate.”

It is the first point of the Constitution, that each of the three estates should have a power of self-defence against the other two : on this point hangs the balance of power between them—to preserve this is a main principle of the Constitution.

The Crown is liable to incapacity, which the other States are not ; for the Crown being a single person, infancy or dis-

case may cause a deficiency, to which the other estates, being composed of many persons, are not liable. Our ancestors conferred an artificial perfection on the Crown, in order, no doubt, as far as might be, to provide against every event; for though the man was mortal, they endeavoured to make the Crown immortal, by providing, that in case of the King's death, his successor should, *ex instante*, become King: but the cases of infancy and infirmity not being provided for, it becomes the duty of the two Houses to make that provision, and they are bound to make it in such a manner, that the Sovereign shall, upon his recovery, arriving at full age, or being restored to health (as the case may happen), enter on all the Royal prerogatives undiminished and unimpaired.

The Secretary at War then took a review of the proceedings at the Revolution, deducing from them many arguments in support of the opinions he had advanced, and concluded with asserting—that though we must fill up the deficiency of the Crown with him who in the course of nature is to wear it, we have now an opportunity of maintaining at once the independence of our Parliament, the rights of our future Sovereign, and the principles of the Constitution.

At three o'clock in the morning the resolution for the Address passed without a division—the House then resumed—the resolutions were reported and received—after which the House adjourned to three o'clock next Thursday.

Thursday, February 12.

Pursuant to adjournment, the Speaker arrived about half past three, and the Members being assembled about five, the Speaker took the Chair.

The Committee appointed for drawing up the Address having presented it, it was read and agreed to.

The Order of the Day for taking into consideration his Excellency the Lord Lieutenant's Speech was postponed, and the House adjourned.

Tuesday,

Tuesday, Feb. 17.

A message from the Lords by Mr. Walker and Mr. Burroughs, two of the Masters in Chancery, that the Lords have concurred with this House in their Address to his Royal Highness the Prince of Wales, and made the following amendment therein. In the third line of the said Address, after the word *assembled*, and before the word *beg*, the following words were inserted, “ beg leave to approach your Royal Highness
“ with hearts full of the most loyal and affectionate attachment to the person and government of your Royal Father;
“ to express the deepest and most grateful sense of the numerous blessings which we have enjoyed under that illustrious House, whose accession to the Throne of these realms
“ has established civil and constitutional liberty upon a basis, which, we trust, will never be shaken; and at the
“ same time to condole with your Royal Highness upon the
“ grievous malady with which it has pleased Heaven to afflict
“ the best of Sovereigns.

“ We have however the consolation of reflecting that this
“ severe calamity hath not been visited upon us, until the
“ virtues of your Royal Highness have been so matured as to
“ enable your Royal Highness to discharge the duties of an
“ important trust, for the performance whereof the eyes of all
“ his Majesty’s subjects of both kingdoms are directed to your
“ Royal Highness.

“ We therefore”

Also, that the Lords have filled up the blank in the said Address, with the words, “ Lords Spiritual and Temporal,
“ and,” and have also concurred with this House in their resolution, without any Amendment.

These Amendments having been read to the House by the Speaker from the Chair, afterwards twice read by the clerk at the Table,

The *Attorney General* said, he thought the Amendments such as every man ought to agree to; he wished similar expressions
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of affection and regard for our good King had been introduced into the Address before it had left the Commons.

The Right Hon. *W. B. Ponsonby* said, however improper it might be to speak of what passed in the other House, what had fallen from the Right Hon. Gentleman made it absolutely necessary; their Lordships had, by a very great majority, agreed to the Address upon the same principles with the Commons; as for the Amendment which had been made to it, though strongly and very properly expressing the affection and regard of the nation for his Majesty, yet did it not go in the smallest degree to alter the principle of the Address; and therefore, any thing which might have been urged in debate by an individual Peer, could not be admitted as a reason for supposing the Lords had acted upon principles different from those on which the Commons had proceeded; the difficulty, therefore, which the Right Hon. Gentleman seemed to apprehend was visionary; for the Prince receiving the united Address of both Houses, expressing, in the very same words, the sentiments of each, would very easily give his Answer.

Mr. *Charles O'Neil* said, he would repeat the words which the Right Hon. Gentleman had very properly used in a former debate, "that he must take Acts of Parliament as he found them;" these words he would apply to the present case; the Prince would take the words of the Address as they appeared upon the face of it; he never would consider, perhaps he would never hear, what had been said by Lords and Gentlemen in either House; the Address would speak for itself, and to the Address his Royal Highness would answer.

Mr. *Hobart* said, however irregular it was to refer to what passed in another House, it could not be denied that there were various opinions on the Address in both Houses, and among the public at large; but as the Address would stand a precedent to posterity, and as he thought it still very deficient, he proposed that it should be farther amended. Gentlemen had all agreed that both kingdoms ought, during his Majesty's illness, to be governed by the same Regent; and that whenever it should please God to restore his Majesty, that he

should

should re-assume his authority. Why, then, not take the necessary steps to insure this intention? Suppose his Majesty should recover at a time when the Parliament of Ireland was not sitting, could he remove the Regent which Ireland had placed upon her Throne; or would the Regent govern Ireland and the King England? These things were certainly worth consideration, and it was the duty of Parliament to take care that the Prince should not continue Regent of Ireland after he had ceased to continue Regent of England; and they should also determine how this country should know when the King was able to re-assume his authority.

Mr. O'Hara objected to the Words in the Address, which call upon the Prince *to take upon him the Government of the realm*; he thought the Address should rather call upon the Prince to *assist his Royal father in the Government of the realm*: Thus the Throne would be considered as full, and no difficulties could then arise to impede the legislature.

Sir H. Langrishe said, he could not presume to judge of the *private* sentiments of their Lordships on this subject, but from the expressions of their *public acts*. They have concurred in your Address, which is conceived in terms the most direct and unequivocal, requesting his Royal Highness to take upon him the government of this realm during the continuance of his Majesty's indisposition. Can it now be said, that, concurring in such a public act, they entertained private opinions against their own right to join in such an act?—it could not be presumed. He said, their Lordships not only concurred in the *act*, but in the *sentiments* of the House of Commons of Ireland, and the two Houses of Parliament in Great Britain, “That in defect of the personal exercise of the Royal authority, it was the right and duty of the two Houses of Parliament, fully representing all the estates of the people of this realm, to supply the defect.” —That *they* were the only powers then existing in the state, and if *they* were not competent to this business, the business must be undone: that in Great Britain they may clothe the proceedings with whatever forms or ceremonies, and dignify them by whatever titles they please; but whatever is done on
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this subject is, and must be, the act and deed of the two Houses of Parliament *alone*—no authority or appointment, or commission issuing from or acting under them, and therefore being subordinate to them, can confer any addition to their authority.

Major *Doyle* spoke in favour of the Address.

Mr. *Parsons* said, there never was a plainer truth, than that this Address cannot make a Regent; for, if the law gives the King his authority, nothing but the law can take his authority away; the Address is not law, therefore it cannot deprive the King of his authority, to vest it in a Regent. If then the Regent shall appoint a Lord Lieutenant, that Lord Lieutenant comes here either under the authority which the Regent has derived from an Address which is not law, or under the authority which the Regent derives from an English Act of Parliament. And I ask Gentlemen, said he, who possess so much regard for the constitutional independence of Ireland, whether they will submit to this, or whether they will even leave the matter dubious?

The question was now put on the Amendments as received from the Lords, and passed unanimously.

The *Attorney General*. Sir, constituted as this country is, whenever there is a majority against Administration, I must consider that majority as the governing power of the country, and if that power shall think proper to stop the Bill which prevents the disbanding of the King's army; if it shall stop the supplies for the maintenance of the King's government; if it shall stop the means of upholding the public credit, and of paying the public creditor;—I must say, as I did before, be the consequences on the heads of those who act thus.

Sir, by the treaty with France you are bound to admit the goods of France on certain conditions; if you stop these goods but for one day, the treaty is broken: this treaty, Sir, is not very popular in France, and that country may take advantage of any departure from it on our side.

I should not be surprised at any opposition which the Government Gentlemen give to public business, if they had urged

any one reason in support of their conduct : but as no reason has been offered, it is absolutely unaccountable.

Mr. Grattan. The Right Hon. Gentleman is not warranted in supposing that we would run a risque of disbanding the army, or of disappointing the public creditors ; there is no such thing to be apprehended, and therefore I laugh at such imaginary terrors ; neither is there any proof of a want of moderation in the persons who compose the majority in this or in any other House. It has not been proposed, that Parliament shall adjourn until the Answer of his Royal Highness shall be received ; it is only intended to adjourn from day to day : however, the opinion of the Right Hon. the Chancellor of the Exchequer deserves every degree of attention, and if to-morrow he will be pleased to lay before the House any just grounds for apprehending that the army may be disbanded, that treaties may be infringed, or that public credit may be injured, by the mode intended to be pursued—arguments, supported on such grounds, will, doubtless, have their full force in the minds of Gentlemen.

Attorney General. I never said, that by waiting till to-morrow, or by adjourning from day to day, any of those dangers would arise at which the Right Hon. Gentleman laughs ; but I thought the Right Hon. Gentleman intended to keep back the public business until the Third Estate should be supplied by virtue of the Address, which the Right Hon. Gentleman supposes can convey the regal authority ; but which, I maintain, cannot convey that authority, and which, if intended so to do, is a most violent breach both of the law and Constitution : in this doctrine, Sir, I am happy to be supported by the opinion of the Chancellor, who is the best lawyer in the kingdom, by the opinion of the Chief Justice, and by the opinion of every lawyer whose opinion deserves any respect.

Mr. Grattan. I cannot say what doctrines were maintained in another House, not having attended their debate ; but what I saw in the papers was mere folly and nonsense, equally unconstitutional and illegal ; I am therefore convinced it could neither be the sentiments or speech of any Lord ; but I have the most indubitable evidence now on the table, that the Lords have concurred with us in the Address, and this is ground
enough

enough for me to presume that they have concurred with us in opinion.

Mr. Conolly was ordered to carry the Address, as amended, back to the House of Lords, and the House then adjourned.

Wednesday, February 18.

A message from the Lords, by the Masters in Chancery, Burroughs and Vesey, that their Lordships had sent to enquire of his Excellency the Marquis of Buckingham, when he would please to receive the Address of the two Houses to his Royal Highness the Prince of Wales, in order to transmit the same; and that his Excellency had appointed to-morrow, at half after three o'clock, for that purpose.

The Messengers being withdrawn——

Mr. Grattan moved, “That this House do accompany the Lords to-morrow, at half after three o'clock, in carrying up to his Excellency the Lord Lieutenant, the Address of both Houses to his Royal Highness the Prince of Wales.”

The Question being put, it passed unanimously.

MONEY BILLS.

Mr. Grattan then said, with respect to the business of going into the Supply, it had been his opinion that it would be highly improper until the two Houses had provided for the deficiency in the third Estate, which they had now done by addressing his Royal Highness the Prince of Wales to take upon himself the government of the realm during his Majesty's present indisposition; any step previous to this would not only have been improper, but, he would say, unconstitutional; but having now done with that business, and resting in confident expectation that his Royal Highness will accept the Regency, and having weighed with great attention the arguments of the Right Hon. Gentleman (the Chancellor of the Exchequer), he was disposed to accelerate, as much as possible, the public business.

The *Chancellor of the Exchequer* was happy that the Right Hon. Gentleman coincided in his opinion; and concluded the

conversation by moving the Order of the Day, "That this House do now take his Excellency's Speech into consideration;" which question passed without a negative.

Thursday, February 19.

This day both Houses of Parliament having waited on his Excellency the Lord Lieutenant with their Address to the Prince of Wales, desiring his Royal Highness to take upon himself the government of this realm during his Majesty's present indisposition; and having requested his Excellency to transmit the same into Great Britain, his Excellency was pleased to return the following Answer:

"My Lords and Gentlemen,

"Under the impressions which I feel of my official duty, and of the oath which I have taken as Chief Governor of Ireland, I am obliged to decline transmitting this Address into Great Britain; for I cannot consider myself warranted to lay before the Prince of Wales an Address, purporting to invest his Royal Highness with powers to take upon him the Government of this realm, before he shall be enabled by law so to do."

Upon the return of the Commons to their own House, and this his Excellency's Answer being read to them by the Speaker from the Chair—

The Right Hon. Mr. Grattan said, in a case so extremely new it would be highly improper to proceed with hurry or precipitation; the House was called upon to act with dignity, firmness, and decision; and therefore, that due time might be had for deliberation, he would move the question of Adjournment: the Question was put and carried without opposition, and the House adjourned to Friday morning.

Friday,

Friday, February 20.

The Right Hon. *Allen Fitzherbert* moved, "That the Lord Lieutenant's answer be entered on the Journals."

Mr. *Grattan* said, he was satisfied to let the Answer be entered on the Journals, in order to make way for some Resolutions which he intended to propose, as necessary to carry the intention of the two Houses into effect, and as a vindication of their honour and constitutional conduct.

The Lord Lieutenant's Answer was then ordered to be entered on the Journals.

Mr. *Grattan* then moved, "That his Excellency the Lord Lieutenant having thought proper to decline to transmit to his Royal Highness George Prince of Wales, the Address of both Houses of Parliament, a competent number of members be appointed by this House to present the said Address to his Royal Highness."

The *Attorney General* said, he wished to know what number was to be understood by the words a *competent* number.

Mr. *Grattan* said, he had left the number open, because he would not presume to conclude the Lords. The practice, as he understood, was, where a Committee was to be formed from the Lords and Commons jointly, that two Commoners were named for one Lord, and when the Lords should have named their number, he would then propose double that number of Commoners.

Attorney General. Having from the outset of this business considered it as unwarranted by law or Constitution, I shall give the Right Hon. Gentleman's motion a negative; being now, as I have been all along, most decidedly of opinion, that the Address is unlawful, and that it cannot convey Royal Authority.

Mr. *Parsons.* The more I consider this subject, the more I am convinced that we should proceed to appoint the Regent by Bill, and not by Address: for first, I shall prove that we are competent to proceed by Bill, and next, that we ought not,

nor by law cannot, proceed otherwise. Our legislative Constitution was altered in the year 1782, and the effects of those alterations have not as yet been sufficiently considered. As it now stands, it agrees with the legislative Constitution of England, having three Estates—a King, who acts by his Viceroy—a House of Lords, and of Commons; but it differs in this, that there is superinduced upon our Constitution an extrinsic form, which is distinct and independent of the three Estates; and that is, the Great Seal of England, which must be put to our Bills before they can become the law of the land. This is not the Third Estate, as some have called it; nor do I think it can be properly called any Estate at all; but, if it be one, it must a Fourth Estate. This Great Seal is the bond of connexion between the two kingdoms. It is put to our Bills by the King of England as King of England, and not as King of Ireland. This is evident, because, as King of Ireland, he could have no authority over it whatsoever. If it was intended as an expression of the King of Ireland's sentiments, it should be notified in some other way, as privy signed, or sign manual—not the Seal of England, which cannot belong to our Constitution. What follows from this, but that, as soon as a Regent in England is appointed, as all the powers devolve upon him, except where specially limited, which belonged to the King of England as King of England, this power of putting the Great Seal to our Bills devolves upon him also? Hence the necessity of having the same Regent with England, and hence appears the folly of attempting to appoint one for this kingdom before one is appointed in England; for it is only an assumption of a power, which we never could put in practice; an idle gasconade, which may alarm England, and cannot by any possibility serve ourselves; a display of an inclination to separate the Executive Power without the ability to do so. But it has been said, if the Act be so, repeal it. I ask you how? That Act of Repeal must have the Great Seal of England to it; and how could you procure the Great Seal of England to such an Act? That Seal is in the custody of an officer in England, responsible to

the English Parliament for every use he shall make of it; and if he were to put it to such an Act, he should and ought to suffer the severest punishment the laws of his country could inflict. This is the security the English have, that we can never pass a law to sever the Executive Power, or impair the connexion of these kingdoms; and thus does this Great Seal, that has been spoken of with so much derision, this bauble, this piece of wax and parchment, appear, in this very instance, of such potent efficiency, that we could not, if we would, have a different Regent from England, and which will be found a security in all future times against every machination to weaken the ties of connexion between us. It gives the English Parliament, it is true, a kind of negative upon our laws, but by such a remote and severe action, as there is no reason to apprehend it will ever be abused. That Parliament having recognized our right to legislate exclusively for this kingdom, their own law, as well as their prudence, would not suffer them to impeach their Chancellor for putting that Seal to any Irish Act, except in the single case of its tending to destroy the unity of the Executive Power, in which alone the connexion of these kingdoms consists. That Seal then, however it came to be superadded to our Constitution, whether by accident or by design, is security to England, without being dependance to Ireland; and the history of mankind does not afford an instance of two independent States being connected together by a mechanism so wise and so beautiful. The moment, then, I say, that a Regent is appointed in England, we are competent to pass a Bill for the same purpose here. To make this more clear, let us trace the Bill through its different stages. We have declared ourselves to be a Parliament; we have recognised the Third Estate in our Addresses to the Viceroy; we have recognised our own powers by those Addresses, by our proceedings in the Committees of Account and Supply; and, when I stated my doubts upon the subject the second day of the Session, by the silence of every other man upon it in this Assembly. I stated them then, because I foresaw the influence our determination upon it would

have upon all our subsequent proceedings, and that it was a subject of too much consequence to be suffered to remain in such suspense, as that it might be drawn down at a future day to receive the decision that would serve the turn of a party. Our legislative Constitution being thus far effective, having the Viceroy of the King, the Lords, and the Commons, at present complete, to these we should have the additional form of the Great Seal of England effective, as soon as a Regent shall be appointed in that kingdom. If we were to proceed then by Bill, it would first pass the two Houses of Parliament, who are now competent; it would then receive the Great Seal of Ireland, and be certified into England by the Lord Lieutenant who is acting under a regular Commission from the King, and therefore is competent. It would then receive the Great Seal of England, by the authority of the English Regent, who to this Act would be competent; it would then receive the final Assent in Parliament by the Lord Lieutenant, be enrolled in the office, and be a law of the land. The only step in its progress which may be questioned as unsound, is the last, as the Lord Lieutenant has no power specified in his general Commission from the King for passing Bills, and as he could not have a special Commission from him now for that purpose, as is usual. First I say to this, that such a Commission is rendered unnecessary by the Act that passed in 1782, "to regulate the manner of passing Bills." The first clause is mandatory upon the Lord Lieutenant, that he *shall* certify all such Bills as have passed both Houses of Parliament. The second clause I conceive to be mandatory also; that "such Bills having been returned into this kingdom under the Great Seal of England, *shall* pass in the Parliament of this kingdom." No man doubts the first clause to be mandatory, and I see no reason why the second should not be so likewise. If it was intended otherwise, the word would be *may* pass, and not *shall* pass. But there was an amendment made to this very Bill in its transit through this House, and which appears upon your Journals, that puts
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the intention of the House at that time out of all dispute. In the amendment are these words, “that such Bills and no others, being returned unaltered, under the Great Seal of Great Britain, *shall be capable of receiving the Royal assent or dissent in Parliament, according to his Majesty’s commission*, either for giving his assent or dissent to the same respectively.” Here, instead of the mandatory words, “shall pass,” was proposed *conditional* ones, “shall be *capable of receiving the Royal assent or dissent*,” which were negatived. The necessity of a special commission was also proposed, and was negatived. The words then of the law, I say, are mandatory. The intention of the Legislature was, that they should be mandatory; and consequently such commission, though the practice ever since, is a supererogating instrument, and the Lord Lieutenant might, nay *must* pass the law without it—It were certainly more agreeable to the constitution of these kingdoms that the law were otherwise; but I am not now speaking of what the law ought to be, but what the law is. If it should be the sense of the majority that this step would be difficult in passing the Bill, this single step might be supplied, by the two Houses empowering either the Regent of England to issue such commission to the Lord Lieutenant for that purpose, or by empowering the Chancellor of Ireland to put the Great Seal to such a commission. But proceed as is proposed—give executive powers to the Prince of Wales, that he may legislate. Let him send over another Lord Lieutenant to supersede the Lord Lieutenant appointed by the King, and then begin a Bill, and see how defective your Legislature will be. The Lord Lieutenant must come under the authority of the Regent of England as appointed by the English law, not by your Address. The law of William and Mary having given all Royal powers, jurisdictions, and prerogatives, to the King of England, whoever he shall be, nothing less than a law can take them away from him; your Address is utterly impotent to such a work. The new Lord Lieutenant then must act as the Deputy of the English Regent. Your Bill then must receive the Great Seal, and be certified into England, not under
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the authority of the Representative of your King, but the Deputy of the English Regent; it must again receive the Royal assent in Parliament, not by the Representative of the King, but by the Deputy of the English Regent. Here are two principal stages in which it will certainly be totally defective by proceeding in this way; whereas there would be but one, which might possibly be partially defective, by proceeding in the other way. Our third estate here, now appointed by the King, and which this very Address recognises as perfect, will then be extinguished, and this under the pretence of completing our Legislature. The Imperial Crown of Ireland will be merged in the Regency of England, for fear it should be merged in the Imperial Crown of that kingdom; and a Regent appointed by an English Act of Parliament, is to supply the third estate to legislate for this country, lest we should impair our independency by passing an Act of Parliament to supply it by ourselves. Further, the commission for the new Lord Lieutenant must be under the Great Seal of England; for otherwise, by our laws he could not hold the Parliament. What an argument do you then give to those who might be now, or at a future day, hostile to our independency? A Lord Lieutenant comes over with a commission under the Great Seal of England, from a Regent who has been appointed Regent by law in England, and whom it has been attempted to appoint Regent by Address and against law in Ireland: under which authority then will it be argued that the Lord Lieutenant is appointed? by the English Bill or the Irish Address? Or will you now give such an argument in favour of the power of the English Parliament to legislate for you in this important instance, of supplying the third estate of your legislature, after their power to legislate for you has been so recently renounced in every instance? But those very Gentlemen who are the authors and advocates for this Address, propose that it should be followed by a Bill; I ask why? Can it give one portion of Royal Authority, and not another? Can it be valid as giving power to legislate, and invalid as to giving any other power, when it professes to give every

every power? If it can give legislative power, which is the highest, it can give every other subordinate power, and this subsequent Bill will be unnecessary. But when they say a subsequent Bill is necessary, they admit that there is some power, notwithstanding its comprehensive diction, which the Address is inadequate to give, and consequently that it is inadequate to give legislative power, which is the highest of all. But it is not wonderful that such inconsistencies should appear in the conduct and arguments of men who have proceeded with such precipitation; though it is very wonderful that a majority of this House, and many most respectable Members, should be prevailed on to follow them. The *recruiting* language held out to country Gentlemen at the opening of this business, was a Pension Bill, and an Abolition of the Police. As to the first, I tell those Gentlemen, that they are deluded, if they expect a permanent law for that purpose to be passed during a Regency. We might, certainly, during the Regency, limit the Pension List, but no longer. For this I assert to be sound constitutional doctrine, that during a Regency no law ought to pass to limit a prerogative of the Crown: for, what would be the consequence? during a temporary malady as the present, or during a minority, the best prerogatives of the Crown might be shorn off; so that when the King should ascend his Throne, he might find himself a mere impotent pageant. However desirable the object is of limiting the pensions, we ought not to establish the precedent; or, if such a Bill should pass through the two Houses of Parliament, the Minister who would put the Great Seal to it, or who should advise the Royal Assent to be given to it, ought to forfeit his head. That you cannot have a perpetual Pension Bill now, I have proved; with respect to the Abolition of the Police, I will venture to prophecy, that the promised Abolition of the Police will be no more than some temporising modification, which, if we may judge of the skill of the new Ministers, from what we know and have seen, we may venture to pronounce will be but of frivolous efficacy. I therefore exhort country Gentlemen that they will not be led on by such fallacious and unequivocal

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lent allurements. It is most unworthy of a great nation, in an affair of such stupendous consequence, to make a surreptitious bargain with those upon whom they confer the authority, as to the powers they confer, and the manner in which they confer them. It is invidious towards the people of England to contrast our conduct with theirs, and court the executive power which is now rising over these countries, by an unlimited confidence, purchased with such pitiful stipulations. It is a practice which if pursued will be ruinous to the constitution of these kingdoms, alternately to vie with one another in obsequiousness to the common sovereignty, for the attainment of any temporary favours. Without examining any precedent, without hearing any evidence, we have deprived the King of all the Prerogatives of his Crown, and conferred them upon another person; we have done so with an ostentatious affectation of differing from England—first by refusing any document of the wise proceedings in that country; and next by appointing a Regent before a Regent has been appointed there. We have taken this opportunity of displaying our independence, by precipitately wresting the sceptre from that very King by whom our independency was restored; we have preferred proceeding by Address, though against law, instead of by Bill; thus establishing a precedent, authorising the two Houses of Parliament to nominate a Regent, though different from England, and to separate the executive government of these kingdoms; whereas if we had proceeded by Bill, that Bill must have had the Great Seal of England put to it before it could be a law, and which, if a Chancellor of England should put to a Bill appointing a different Regent from England, he must have done it at the hazard of his head. And thus we have set aside this satisfactory security, which England should have had for an identity in the two kingdoms of Sovereign power. All these truths must raise serious alarms in England, must create a distrust of our Parliament and people, a distrust, the consequences of which we may one day fatally feel. It is not by an empty parade of our independency that we shall preserve it; it is by our spirit and our prudence—

prudence—our spirit to protect it, if it should receive an assault, and our prudence to conduct ourselves in such a way as that it shall not be thought necessary to assault it. We have got a great deal by accident, and which we may lose by folly. A frantic enthusiasm may succeed sometimes in accomplishing great achievements, but it is sober wisdom alone, that can preserve them.

Major Hobart said, he presumed that the Commissioners were to act under the direction of the two Houses, and if so, he requested to know what instructions were intended to be given them for their conduct? Were they, immediately upon their arrival in London, to present the Address to his Royal Highness the Prince of Wales, even though he were not yet invested with the Regency of England? or were they to wait till such investiture should take place?

Mr. Grattan said, that difficulty will be removed, for I think his Royal Highness will be invested before the Commissioners can arrive.

Major Hobart. I beg leave to say that I am not answered, for my question supposes the Commissioners may possibly arrive before his Royal Highness is invested with the Regency.

Sir Henry Cavendish said, the question was premature, and that it was unparliamentary for one Member to interrogate another in this manner.

Major Hobart insisted that it was the uniform practice when any Member proposed to bring forward a number of resolutions, for the House, or any Member of the House, to demand to be informed of the whole scope and range of such resolutions; otherwise, Gentlemen might be led to agree to one or more leading questions, though they might differ on the main point; as to the question he had asked, he maintained that it was perfectly in order, and that the present was the moment to discuss it. His first question was, were the Commissioners to receive their instructions from the two Houses before they set out? or being arrived in England, were they to write over for directions to regulate their conduct?

The Right Hon. *Thomas Connolly*. I am not authorised to give the Hon. Gentleman any answer ; but I do assure him, that in whatever situation the House shall place me, I never will take any step that can tend to the separation of the two Crowns ; and I hope that whoever shall be sent, shall be possessed of such powers, and such powers only, as may tend to strengthen the connection with England, and maintain the constitution of the realm.

The question of Mr. Grattan's motion was then put, and passed without any division, whereupon he moved, " That Mr. Connolly do attend the Lords with the said resolution, and acquaint them, that this House requests them to appoint Members of their own body to join with the Members of the Commons in presenting the said Address."

This also passed without any division, and Mr. Connolly went up to the Lords accordingly.

The Committee having waited a considerable time for an answer from the Lords, to the message which they had sent by Mr. Connolly, and being informed that their Lordships were in high debate,

Mr. *Grattan* proposed that the House should proceed with business, and moved, " That his Excellency the Lord Lieutenant's Answer be read ;" which being read by the clerk,

The Right Hon. Mr. *Brownlow* said, it would be beneath the dignity of the Commons, to suffer such a record to stand upon their journals, unnoticed and unrefuted ; he therefore hoped to see such a resolution proposed, as would vindicate the honour of the Commons of Ireland.

The Right Hon. *Henry Grattan*. I do not think it possible, after the answer that we have just heard, that any Gentleman can entertain a doubt of the necessity of our coming to some resolutions to maintain the dignity and privileges of Parliament. Sir, we were wise in adjourning last night, to give time to deliberate ; it was an awful pause, a solemn interval, and will give weight and consequence to the measures we may adopt. In any controversy with the Chief Governor, it becomes us to observe the most punctilious ceremony, and in the particular

particular case before the House, tenfold attention is necessary, because it is to remain a record and a precedent upon your journals, because it is a case on which the privileges of the country depend; our conduct therefore should be founded in law and the constitution; it should be even respectful to the Chief Governor who has maligned our proceedings. I will therefore move a resolution, the truth of which no man can deny; and if it be admitted, the Lord Lieutenant's Answer must necessarily be disallowed.—Mr. Grattan then moved, “That in addressing his Royal Highness the Prince of Wales to take upon himself the government of this country, on the behalf, and in the name of his Majesty, during his Majesty's present indisposition, and no longer, the Lords and Commons of Ireland have exercised an undoubted right, and discharged an indispensable duty, to which in the present emergency they alone are competent.”

The Right Hon. *Attorney General*. Sir, this resolution is of such tendency, and does so avowedly assert the pernicious and unconstitutional principles of the Address which we have voted, that if the Commons of Ireland agree to it, they strengthen the foundation already laid for a separation of the Crown of Ireland from the Crown of Great Britain; and the country Gentlemen, who are about to vote upon this occasion, would do well to consider again and again, before they follow the Right Hon. Gentleman one step further in his ill-advised and desperate speculations.

Sir, I did not think that I should again be under the necessity of trespassing on the patience of the House upon this subject; but I find I must once more call the attention of Gentlemen to the statute law, and to the constitution of the realm. By the 23d Henry VIII. the King of England is, *ipso facto*, King of Ireland; and by the second clause of that Act, it is declared and enacted, “That if any person or persons, of what estate, dignity, or condition soever they or he be, subject or rebellant within this land of Ireland, by writing, imprinting, or by an exterior act or deed, shall give occasion whereby the King's Majesty, his heirs or successors, shall be disturbed or interrupted

ed of the Crown of this realm, he or they shall be adjudged traitors, and every such offence shall be adjudged high treason."

Here I take leave to remind Gentlemen of the occasion on which this Act was made; it was made when English faction had found its way into Ireland, when the house of Fitzgerald, and the house of Butler, espousing different English parties, had repeatedly plunged this country into the horrors of civil commotion. The Act was made that Ireland and England might be for ever united under the same sovereign, and whether he was a King of the House of York, or a King of the House of Lancaster, who wore the Crown of England, he should in that right alone be deemed King of Ireland. And let not any man tell me, that because this resolution speaks of a Regent and not of a King of Ireland, that therefore the Act of Henry VIII. does not apply to it; it is not the mere name of King, it is not the ring of gold that encircles the monarch's head, which is the object of the law; no, the object of the law is, that the chief executive magistrate, and the chief executive power in both countries should be one and the same; and therefore it is folly in the extreme to assert, that it is the undoubted right, and the indispensable duty of the Lords and Commons of Ireland, of their authority, to create a supreme executive magistrate whom they call their Regent; when every man who knows the statute law of this country must acknowledge, that if they were to call him by another name, they would by such a resolution commit an act of direct treason. And if a doubt on this subject could have hung upon the construction of the statute of Henry VIII. the Act of the 4th of William and Mary has removed it. The phrase of this Act varies from the phrase of the Act of Henry VIII. for the Act of William declares, that the Crown of Ireland, and all the powers and prerogatives belonging to the Crown of Ireland, shall for ever be annexed to, and dependent upon, the Crown of England.

And give me leave to tell the country Gentlemen of Ireland, that the only security by which they hold their property, the only security which they can have for the present establishment in Church and State, is the connection of the Irish Crown with,

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and its dependence upon the Crown of England; a connection and dependence which has been sealed with the best blood of their country; and if they are now duped with fantastical speculations, which are to shake that connection, under the specious pretence of asserting national dignity and independence, they will feel, to their sorrow, that they are duped into a surrender of the only security by which they can hope to retain their property, or by which they can hope to retain the present establishment in Church and State. For, give me leave to say, Sir, that when we speak of the people of Ireland, it is a melancholy truth, that we do not speak of the great body of the people. This is a subject on which it is extremely painful to me to be obliged to speak in this assembly; but when I see the Right Hon. Member driving the Gentlemen of Ireland to the verge of a precipice, it is necessary to speak out. Sir, the ancient nobility and gentry of this kingdom have been hardly treated; that Act by which most of us hold our estates was an Act of violence, an Act palpably subverting the first principles of the common law of England and Ireland. I speak of the Act of Settlement passed in this country immediately after the Restoration, which vests the estates of every man who had been dispossessed during the rebellion of 1641, absolutely in the Crown, and puts the old proprietors to the necessity of proving that they had not been guilty of high treason, in order to avoid the penalties of confiscation, which, by the sacred and fundamental principles of common law, can be incurred only upon conviction and attainder. And that Gentlemen may know the extent to which this summary confiscation has gone, I will tell them, that every acre of land in this country, which pays quit rent to the crown, is held by title derived under the Act of Settlement; so that I trust the Gentlemen whom I see upon the opposite benches, will deem it a subject worthy their consideration, how far it may be prudent to pursue the successive claims of dignified and unequivocal independence made for Ireland by the Right Hon. Gentleman. So long as we remain satisfied with the constitution of Ireland, as settled in 1782, and avail ourselves of every opportunity which may offer, to cement the union of the Crowns of Great Britain and

Ireland, and to cultivate the affection and confidence of the British nation, we shall continue to cultivate peace and good order and prosperity in this country. But if, in a moment of phrenzy, the two Houses of Parliament of this country are to sacrifice their connection with the crown of England in pursuit of paradoxical phantoms, perhaps we may live to see Ireland once more indebted to a British army for the restoration of her civil and religious liberty. See then what security you have for your connection with England, if the two Houses of Parliament are to assert an undoubted and exclusive right, and indispensable duty, to create a supreme executive Magistrate for Ireland, and of their own authority to invest him with all the powers of royalty. Your security is the steadiness and discretion of the two Houses of the Irish Parliament, which, upon the present momentous occasion, I am free to acknowledge have been unexampled. But, if the law of your country establishes another security for that connection; if by the settled law of your country, the sanction of the British Great Seal is necessary to any instrument by which any thing in the shape of Royal power can be exercised in Ireland, do you suppose that the British nation will tamely submit to the claim now set up by the two Houses of the Irish Parliament? No. If we persist in asserting this claim, the two countries will be committed more hotly than ever; for, if the Address of both Houses can invest the Prince of Wales with Royal powers in this country, the same Address could convey the same powers to Lewis XVI. of France, or to his Holiness the Pope, or to the Right Hon. Mover of this resolution. And therefore, the Lords and Commons of Ireland may be assured that if they persist in asserting a claim palpably condemned by the laws and constitution of their country, palpably hostile to Great Britain, and radically subversive of the established constitutional connection between Great Britain and Ireland; it is utterly impossible that such a claim should be passed by in silence by the British government; it is utterly impossible that the assertion of such a claim should not again commit this country with Great Britain; and if by any fatality we are again committed,

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what must be the event? This island has every thing to lose, and can gain nothing. In a good cause and a sound bottom, however unwilling I might be to engage in a contest with Great Britain, I would still trust ultimately to her justice: but if we are to be committed on the claim of an independent executive government, we are committed against the laws and constitution of Ireland, and in such a contest Ireland must fall.

We have already voted a commission of embassy to present our Address to the Prince of Wales, offering him the plenitude of Royal power in this country, and requesting that he will exercise it by his authority, or by our authority. But when our ambassadors shall have executed their commission, how is his Royal Highness to act? Is there a man in England with whom he will advise upon this subject? Who will venture to tell him, that the Address of the Lords and Commons of Ireland can confer the shadow of royalty upon him? or, who will venture to advise him to comply with the terms of that Address, and to take upon himself the exercise of the powers attached to the Crown, by the mere authority of the Lords and Commons of Ireland? Is there a man in England who will venture to tell his Royal Highness, that such an Address will give him the command of the Great Seal of England, for the purposes of Irish Government, and make himself responsible to the English nation for such an opinion? I will be bold to say, there is not a sober and honest man in England with whom his Royal Highness will advise upon this subject, who will not tell him, that the Lords and Commons of Ireland have not the shadow of right to provide by their authority for the executive government of Ireland, and therefore the Right Hon. Gentleman had best wait for the Answer of his Royal Highness to this Address before he presses forward a resolution, asserting claims which must be condemned by every sober and honest man in both countries.

And here give me leave to call to the Right Hon. Gentleman's recollection the answer he this day gave, when he was asked—What were the Commissioners to do, or how were they

they to act, should they arrive before the Prince of Wales was invested with the Regency of England?—The Right Hon. Gentleman's answer was, that it was *almost* certain he would be invested with the Regency of England before they arrived, and that difficulty would be removed. The Right Hon. Gentleman does then confess that there may be a difficulty attending the execution of this new Irish commission, but, upon calculation, he seems to hope that the difficulty will not occur.

Sir, the Right Hon. Gentleman must remember, that when he first brought forward a resolution asserting the independence of the Parliament of Ireland, though I agreed with him in principle, yet I was cautious in committing the two kingdoms; but when he had committed them, I agreed with him, that Ireland could not recede from her claims, which were then founded in justice. But upon the present question Ireland stands upon very different ground. Here we are asserting a claim palpably illegal and unfounded, a claim which, if it shall ever be allowed by Great Britain, must bring inevitable ruin on this country; and therefore it is, that I do most earnestly entreat of the Right Hon. Gentleman to desist from his present speculations, because, in my judgment, they are giddy and fantastical in the extreme, and utterly subversive of every principle which unites the kingdoms of Great Britain and Ireland.

Sir, there has been throughout the whole of this business a want of temper and deliberation highly disgraceful to this country; and it would seem as if Providence had peculiarly marked our intemperance; for on that night on which, from common fame alone, we thought fit to determine that our lawful King was incapable of discharging the functions of his Government, his physicians had declared, that his Majesty had shewn decided symptoms of convalescence; and on the night on which this rash determination was made, with the same intemperance we voted an Address to the Prince of Wales, to assume the powers of Government lawfully vested in our King; and, lest any man should have time for deliberation, the Re-

solution

olution and Address were reported and agreed to the same night: and now we are called upon to vote a Resolution, if possible, more rash and intemperate than the former, in order to ground a vote of censure on Lord Buckingham, because he will not convey our rashness and intemperance to Great Britain. If Lord Buckingham had transmitted that Address to Great Britain, he would have subjected himself to impeachment on his return there; if he had transmitted it, he would have committed a breach of his oath of allegiance; and if he had told you so in direct terms, he would have been fully justified in stating it. But what is his answer to your message?—"That consistently with his impressions of official duty, and of the obligations of his oath of office, he could not transmit your Address to the Prince of Wales." Where then is the mighty offence against your dignity? Does the House know that the Lord Lieutenant of Ireland acts under an English commission, and under secret instructions from his Majesty, which he is bound to obey at the peril of his head? Does the House know what these instructions are? and if they do not, will they enter into a Resolution hostile to Great Britain, hostile to the connection of the two Crowns, in order to ground a censure upon the King's representative, because he tells you he cannot act in contradiction to what he considers to be his official duty, and the obligations of his oath of office? And give me leave to say, if the Marquis of Buckingham could stop the Address which we have voted from going into Great Britain, he would confer an eternal obligation on the Irish nation; for if that Address should ever reach the Prince of Wales, it is impossible that any man in England will be so rash as to advise his Royal Highness to act under it. The Right Hon. Gentleman will please to recollect that English Ministers are responsible to the English nation, and that unfortunately the orders or the opinions of the Lords and Commons of Ireland will not be an excuse to an English judicature, for a breach of the laws of England: and therefore before we proceed to further violences, it may be advisable to wait his Royal Highness's Answer to our Address; and if his answer should be, that he cannot take upon him to ex-

ercise Royal powers in Ireland, by authority of this Address, what will be the situation of the two Houses of the Irish Parliament? How will their dignity brook the reproof? But if his Royal Highness should be advised to assume Royal powers under the authority of this Address, Gentlemen will find insuperable difficulties in their way in framing a Bill, which the Right Hon. Gentleman professes his intention of proposing. It will be utterly impossible to frame such a Bill upon the model of your Address. The Bill which has passed the British House of Commons makes the Regent an assistant to his Majesty, and confers on him an office of trust under the Crown. When we come to frame our Bill, we must conform to the model of the English Bill: whether the powers to be committed to the Regent by our Bill be the same, or whether they are more extensive than the powers committed to him by the English Bill, the nature of his office must be the same in both countries. What then will become of your Address, which purports to confer on his Royal Highness, not an office of trust, not the duty of assisting his Majesty during his indisposition, but full and unlimited Royal powers, to be exercised by him in his own right, as Prince Regent of Ireland?

The Attorney General then proceeded to take notice of some assertions that had been made with regard to the privileges of the two Houses, which were said to be violated by the Lord Lieutenant's refusal to transmit the Address. He called to their recollection the conduct of one of the most worthy and amiable men of his time, the late Mr. Ponsonby; that truly Honourable man, when Speaker of the House of Commons, had refused to carry up an Address to Lord Townshend, alleging as his excuse, that he found it inconsistent with his feelings of honour to carry up the Address of Thanks to a Chief Governor, who had offered an insult, as he conceived it, to the Commons when they had last met. Did any man object to Mr. Ponsonby for this refusal? No. His refusal was deemed to be an act highly honourable to him; and the Commons, far from censuring their own servant, for acting from the impression of his truly honourable feelings, returned him
their

their unanimous thanks for his faithful and eminent services. The House did not resolve, That it was the undoubted duty of the Speaker to carry up to the Lord Lieutenant whatever Address they should think proper to direct him to present—no, they had the justice and liberality to acknowledge, that it is the privilege of a Gentleman to act from the impressions of an honourable mind; and if the truly Honourable Gentleman to whom I allude, had an enemy in this country, his conduct upon this occasion must have made him blush. If then the Commons in 1771 did not think themselves at liberty to censure their own servant, who refused to take up their Address from the impressions of honour and duty, what right have we to proceed to the violence to which the Right Hon. Gentleman would now lead us? The Lord Lieutenant tells you, that, consistently with his duty and his oath, he cannot transmit your Address. What right have the two Houses of Parliament to call upon him to transmit an Address to any person but to the King of England? To a subject, however high in rank, you have not the shadow of right to call upon the King's Representative to transmit an Address. But when the Lord Lieutenant tells you, that your Address calls upon his Royal Highness the Prince of Wales to do an act not warranted by law, when he is confirmed in that opinion by the Chancellor and the Chief Justice of Ireland, if he were to transmit that Address, he would subject himself to impeachment on his return to England.

For the last seventeen days his Majesty has been in a progressive state of amendment, and, by the last accounts, no doubt is entertained of his speedy and perfect recovery; suppose then there should be another examination of his physicians, upon which it should turn out that his Majesty may be competent to business; and that our Ambassadors, when they arrive in London, should be interrupted in their progress by his Majesty on his way to meet his Parliament;—what are they to do?—are they to suppress their credentials, and sneak back to Ireland? or are they to present our Address to the Prince?—This, perhaps, may be a dangerous experiment; it may, perhaps, be

deemed an overt act of treason to the King, for which they may be arrested as traitors to the Crown of Great Britain.—Possibly then the event of this high and mighty embassy may be, that the Commissioners of the Lords and Commons of Ireland may sneak back to their masters with the melancholy information, that, from pure fear of the Middlesex Justices, they did not dare to execute their commission. There is but one sensible mode that you can pursue—wait till his Royal Highness the Prince of Wales is appointed Regent, and then, by an Act of the Irish Legislature, recognise his authority so far as it may be necessary to recognise it in Ireland: but let not this island pretend to take the lead in providing for the exercise of the Royal Authority in the present emergency.

And now, Sir, give me leave to say, that as there is not a lawyer in this kingdom, and I am confident I might say in England, who will assert that an Address of the Lords and Commons of Ireland can convey regal powers; as the first law authorities in this kingdom have protested against such a principle; and, indeed, every member of the Upper House who supported this Address asserted that it was only a form of compliment, or respect, calling upon the Prince to accept of powers to be hereafter bestowed upon him by Act of Parliament; as every sober man deserted it on the ground of conferring power; give me leave to say, that it is an act of insanity to commit the two kingdoms, by pressing the Resolution proposed by the Right Hon. Gentleman, a Resolution which he professes to be intended only as a foundation for censuring the Lord Lieutenant. Sir, if it be any gratification to the Gentlemen of the Majority to censure Lord Buckingham, because, in compliment to them, he would not renounce his allegiance to his Sovereign, let them do it without this Resolution; for, though I shall always be grieved to see the Parliament of Ireland committed with the King's Representative, yet I shall always consider it a matter of infinitely more serious consequence, to commit the Parliament of Ireland with the British Nation: in such a contest Ireland must be the loser.

Mr.

Mr. *Forbes* observed, that he considered it as incumbent on every Member of that House to enter his Protest against the arguments advanced and maintained by the Right Hon. Member (the Attorney General), which united to establish this dangerous and unconstitutional doctrine, That the Regent of England was *de jure* Regent of Ireland. He was concerned and astonished, that such a doctrine should originate in the Irish House of Commons, when he recollected, that in the course of the debates in the English Parliament on the Regency, our right to appoint a distinct Regent, independent of Great Britain, was generally admitted, after Mr. Pitt's opinions on the subject of right had been adopted.

The arguments which had been urged by the Right Hon. Member were founded on a construction of the law of Poyning's, and the statutes passed in explanation of it, and on Chief Baron Yelverton's Act: he observed, that the Legislature, when those Acts were passed, had not the present emergency in contemplation; the Legislature, in framing the provisions of those laws, proceeded on this principle—"That the executive power of both countries was vested in one person, on whose head the united Crowns of Great Britain and Ireland were placed." By the provision which required that our Bills should be returned certified under the Great Seal of England, it was not intended that the King of Great Britain should legislate in Ireland as King of Great Britain; but as, from necessity, the King of Ireland always resided in Great Britain, and was also King of Great Britain, it was provided, that he should affix the Great Seal of England to our Bills, not as the organ of his will as King of the latter country, but as the best evidence and most solemn authentication of the will and pleasure of the King of Ireland, as to the passing into laws such of our Bills as were sent over for his approbation. He then adverted to the present situation of the two countries, a situation which does not appear to have been in contemplation of the Legislature of either country at any period till the present; the King of England and Ireland is rendered incapable by indisposition of exercising the Royal authority: after this incapacity

city had been ascertained by Parliament in England, the Minister of that country declared, that every subject had equal right with the Heir Apparent to the Regency—his opinion was adopted by both Houses. If the two Houses of Parliament in England had this right, it was equally competent for the Lords and Commons of Ireland (as branches of a self-existent and independent Legislature, similar in constitution and privilege to that of Great Britain) to appoint any subject Regent of Ireland; but according to the principles established in England, the two Houses might reject the claims of the Prince of Wales, and appoint the Lord Mayor of London Regent.

Does the Right Hon. Gentleman mean that the two Houses of Parliament in Ireland would be obliged by any law to adopt *such a person* as Regent of this kingdom, on the principle, that unless the same person who is Regent of England is also Regent of Ireland, all the functions of our Legislature must be suspended for want of that Great Seal?

Is not this in effect a declaration, that the Regent of England is *de jure* Regent of Ireland?—We are called on to sacrifice the substance to the signs of our Constitution, and to adhere to the letter of Acts, in which there is no provision for this emergency; and laws passed to secure the independence of our Parliament are to be perverted, by forced constructions, into instruments for establishing a most humiliating and dangerous dependance. Fortunately, there is no reason to apprehend that the Parliaments of the two kingdoms will differ in the choice of a Regent; but if they had differed, he trusted no Member of this House would have urged us to have sacrificed the independence of our Legislature, to the use of the Great Seal of England to be affixed to our Bills: others have been repealed; the necessity of the case would have justified the measure, the necessity which had justified all the proceedings of the Convention at the Revolution; and what necessity could be more urgent with respect to Ireland?—we were obliged to supply the want of a third estate, or all the functions of our Legislature must be suspended; and, to effect this purpose, we must
either

either repeal the provision of the Act respecting the Great Seal, or be reduced to a condition of the most abject dependance, by admitting the Regent of England *de jure* Regent of Ireland:—no real friend to his country could hesitate in making his opinion on such an occasion.

Mr. Forbes further observed, that if any embarrassments occurred in this business between the two countries, they were to be imputed to the principle on the subject of right established by Mr. Pitt, which was laid down in too extensive a manner, though he agreed the Prince had not a right to assume the Government without the consent of Parliament. He also said, that this question of right would not have been agitated, had not the Lord Lieutenant, by his answer, challenged the two Houses to the discussion. Mr. Forbes added many other arguments, which naturally arose from the subjects treated in the course of the debate.

The *Attorney General*. I would wish to explain:—I never said, that a Regent appointed by the Parliament of England is, *de jure*, Regent of Ireland. If a Regent of Great Britain and Ireland be appointed by his Majesty, under the Great Seal of England, such a Regent is, *de jure*, Regent to all purposes of Ireland. But if a Regent of Great Britain be appointed by statute, I consider him, to all imperial purposes, Regent of Ireland by such appointment; and I consider him to be Regent of Ireland to all purposes of Legislation by a statute of Ireland. But as to all such Acts as are to be done in Ireland by the authority of the King's sign manual, I consider that the authority of an English Regent, appointed by statute, is not sufficient, until it be recognised by an Act of the Irish Legislature.

And now I will freely acknowledge to the Hon. Gentleman, that, on a superficial view of this subject, it struck me as it seems to have impressed him; but, upon mature consideration, I formed the opinion which I now entertain, and the more I revolve it in my mind, the more firmly I am convinced, that it is founded on the clear and sound principles of our Law and Constitution.

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I am not very certain that I was in the House when that Act passed : however, I do not find any fault with the Act ; on the contrary, I am of opinion that there is great wisdom in the principle of it. The Hon. Gentleman said something of the party, or the man, under whom I act ; Sir, I am an officer of the Crown ; I act under my Sovereign George the Third, and no other ; his right, and the rights of his people of Ireland, I maintain : Sir, I disdain to act under any man, or set of men, in England : I wish this principle was more general.

Serjeant Toler. When the question of the original Address was introduced, however it might have appeared as mere preparatory invitation, and as a prelude to a Bill, yet the principle on which it was debated, and the doctrines which accompanied it, became dangerous in the extreme. It was the hasty work of one night ; one third of those who would willingly have discussed the measure had not an opportunity of delivering their opinions ; but the measure was carried on with an overbearing rapidity that precluded investigation ; as if this House had been taught to believe, that the nation, like the *woman that deliberates, is lost*. He said, that the Resolution at present propounded contained an assertion of law, and evidently pointed to a censure, neither of which were warrantable, from the circumstances of the case ; but both of which tended to disunion and mischief. It was not his intention to lower the pride of the country ; he hoped that it would always be supported by an haughty nobility, a spirited gentry, and a sturdy House of Commons ; but he hoped also that the country would never want a Governor, who was firm, and who had fortitude and fidelity enough not to betray those prerogatives which the King had entrusted to him, for the good of his people. If in the precipitate caprice of a moment an hasty measure had been adopted, the sober language of the constitution says, that it remains to the first executive magistrate to assuage the excess of democratical principle, which it was his duty to control. But if the Lord Lieutenant had complied with the requisition that was made to him, he would have acted in direct violation of his trust and of the law of the land,
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and contrary to the opinion of nine tenths of the legal men of Ireland, exclusive of the statutable annexations of the Crown of Ireland to that of England, under the statute of Henry the Eighth, by the spirit of which the unity of the executive magistracy, in every possible case, was meant to be provided for. There is no part of the system which connects us with Great Britain that would not receive a shock by the measure propounded. By this measure, the principle of separation is avowed, in leaving it to the possibility of the event. Adoption of mode, or of following in point of time; are disclaimed; and instead of uniformity as to the legal transfer of the power, or of certainty as to the identity of the person to be invested with it by Great Britain, we substitute the hazard of a probability as to the person, and abandon the deliberate wisdom of legislation, for the incompetent and unprecedented insufficiency of a vote.

It has been argued, that we could not proceed to legislate through an English Regent, without surrendering and disclaiming the Irish Monarchy. The assertion is unfounded, though it comes from a Gentleman (Mr. Forbes) whose sentiments deserve to be treated with respect. Antecedent to the Act of Poynings, it was competent to the Lord Lieutenant to give the Royal Assent to Bills that had passed the Houses, without the intervention of any special authority for the purpose from Great Britain. The distractions which had prevailed in this country during the early period of Henry the Seventh, and the hasty measures which had been adopted by the Government and Legislature of Ireland, to the endangering of our connection with England, gave origin to the 10th of Henry the Seventh, and to those provisions of communication, which are thereby enjoined between the two kingdoms, under their respective Great Seals, in the progress of Irish legislation; and it is observable, that shortly before the passing of that law, the Royalty of Ireland had been hastily transferred to the impostor Simnel, who was crowned in the cathedral church of Dublin, was invested with Royal authority, and convened a Parliament, in which laws were enacted, confiscat-

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ing the property of his opposers. The deputy of that day sanctioned the imposture, and as a partisan of English faction he fomented that party zeal which always hurries men of warm tempers into enterprizes of danger and innovation. But the mischief was to be remedied, and the law was enacted, which was meant as a bond of security, and cemented interest with Great Britain, by ensuring communication and concurrence in matters of common concern. The salutary principle of the law has been the theme of political eulogium, and has been most emphatically dwelt upon by the great Molyneux, whom every man is proud to make the pole-star of his course. —Through the various modifications of that law, by the Act of Philip and Mary, and that of the Lord Chief Baron Yelverton, the great principle has been preserved; and when the ceremonies are, as observed, and the requisites are complied with, as under the latter law, which has condensed and circumscribed with a masterly hand, and ascertains the mode of communication with the head of the empire, speaking through his respective Great Seals; those superadded ceremonies being complied with, the constitution remains to act as before the Act of Poynings was made, and the Lord Lieutenant of Ireland is competent, by virtue of his commission, to give the Royal Assent under that authority which you yourselves recognised as authorised to call you together, and to give the name and functions of a Parliament.

I do not wish to embarrass my countrymen with legal disquisitions, or to involve them in the mysteries of a political, any more than of a religious controversy; the relative attributes and distinctions of Royal and Legislative, as well as of Divine authorities, are subjects of dangerous speculation for the many; and in giving the opinion of an individual, no man should have the blasphemous audacity to pronounce, that he must be everlastingly damned who does not thus think of the Regency.

There is no man who does not know that the introduction of the present contest in Ireland, originated from a desire of reprehending the mode that had been adopted in the British
Parliament;

Parliament ; otherwise, we never could have a dispute upon a business where all men were agreed upon the illustrious object of our choice, and in conferring the Regency without restriction. It was hoped that contention of parties in England, if it ever reached us, would have come here as a spent plague, which the temperature of our climate would have vanquished ; but even in the moderation of the Gentleman who spoke last (Mr. Forbes), we find, that a fresh portion of infection arrives in every packet ; and the inveteracy of the disorder, instead of subsiding, has fatally attached itself upon the weak part of the constitution.

But whence has this contest been forced upon us ? The Lord Lieutenant's Secretary proposed, on the first day, to proceed by a Bill in the mode which England had adopted, and which was more peculiarly necessary to this country, as we thereby ensured confidence and uniformity in a matter where unity and identity were indispensable : but the dignified character who opposed it (Mr. Grattan) soared above the sober forms of law ; and although the door was open, and the way clear, he would insist upon climbing in at the window, like Dick the apprentice aping Ranger, *neck or nothing, up I go*, to the hazard of his own safety, and of every man that followed him.

What shall prevent us to-morrow from adopting a different Mutiny law, or disclaiming an uniformity of religion ? The unity of the executive magistrate has been well called the solitary bond of union with England ; but can it exist for a moment, if a possibility remains of the legislatures being discordant upon the subject : and unless one is suffered to take the lead, the alternative is obvious. With two legislatures so liable to pull different ways, no authority can govern ; and the august Personage, if deluded to suppose he could direct them, *though he were to bespeak the chariot but for a day, he might set the world on fire.*

A message from the Lords was announced.

Sir John Blaquiere moved, that the messengers be called in ; some opposition being given to this motion, Sir John spoke of
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it as a matter of privilege; this was denied by the Attorney General (and indeed by the whole House); the Attorney said no one was privileged to interrupt the debates of that House; if, however, the Right Hon. Gentleman would desire it as a favour or matter of complaisance, he would not oppose the entrance of the messengers, but he would never throw the privileges of the Commons at the feet of the Lords.

Sir John desired it as a matter of favour, and thereupon the House adjourned the debate of the present question for a quarter of an hour, and the messengers from the Lords, Mr. Walker and Mr. Burrows, two Masters in Chancery, were admitted. Their message was, "That the Lords had concurred in the Resolution of the Commons, and had appointed his Grace the Duke of Leinster, and the Earl of Charlemont, to join with such Members as the Commons should appoint to present the Address of both Houses to his Royal Highness the Prince of Wales."

Mr. *Grattan* said, he did not think it necessary at so late an hour to go into the merits of the Gentlemen that he should propose; they were all men of tried and approved integrity, and whose characters were so well known to the House, that even if there was time for pronouncing an eulogium, any thing he could say would not add to the high estimation they bore in the House, and in the nation; he first named the Right Hon. Thomas Conolly.

Mr. *Conolly* rose and said, he hoped that in whatever situation he had stood for eight and twenty years, the House had thought, that though he might not have always acted with the greatest wisdom, he had always acted with the utmost integrity and zeal for the interest of this country and its inseparable connection with England; and he assured the House, that if any thing he was now expected to do, could tend to a separation from England, he would reject it. He observed, that he had seen times as difficult as the present. When he had seen the people going so far, he had opposed them even when he stood single; he had also opposed Governments, which he thought were in the wrong; there was one point he
would

would ever keep in view—there must be one head of the Empire, and that head must be the King of England—this must be the bond of connexion between the two countries, and to preserve it entire, he would at any time risque his life and fortune.

The *Attorney General* said, though he had hitherto opposed every step of the present business, yet as he saw it would go forward notwithstanding his utmost endeavours, he thought it could not be in safer hands than those of the Right Hon. Gentleman, whose integrity the nation had long experienced; he would therefore vote for his being one of the Messengers.

The question being put on Mr. Conolly, it passed *nemine contradicente*.

Mr. Grattan then proposed,

The Right Hon. J. O'Neil,

The Right Hon. Wm. Brabazon Ponsonby, and

Mr. J. Stuart;

and the question being put on each, severally, passed also *nem. con.* Each of the above-named Gentlemen having in very polite and handsome terms thanked the House for the honour of the trust reposed in them,

The *Attorney General* rose to declare, that he held them all in high respect, and that his opinion of their honour and integrity was the same he had expressed of the first-named Gentleman.

The *Solicitor General* spoke long and ably against the principle of the Address, and against the present Resolution; he proceeded on the ground of law and constitution; but as the Attorney General and other lawyers had so completely beaten that ground, that it was impossible to start a new argument, we forbear detailing the Solicitor General's speech.

Mr. Neville desired just to compare the answer given by the Prince of Wales to the letter of Mr. Pitt, with the answer given by Lord Buckingham to the Parliament of Ireland. The Prince's words are, "concerning the steps already taken, the Prince is silent, nothing done by the two Houses can be a proper subject of his animadversion."

The *Attorney General*. Sir, I agree with the Right Hon. Gentleman, that these words can only tend to lengthen the paragraph; for if we can confer the powers of the Crown upon any subject, he is bound to exercise them according to the laws and constitution, whether we stipulate for such exercise or not; and therefore let no man ride off upon this curiosity, for it signifies nothing whether the words be added to the paragraph or not.

The *Chancellor of the Exchequer*. Sir, I do not understand what the Right Hon. Gentleman means by my riding off on a curiosity. This, Sir, is no curiosity; a curiosity is a singular opinion, sported lightly by a single person; but my argument, Sir, is not of that nature, the Address intends by a single act to confer the Regency on his Royal Highness; my amendment goes to stipulate a condition, the condition of governing according to law and constitution.

Sir, while I act with a government, I am always ready, upon being consulted, to submit my opinion to theirs, but when I am not consulted, I will not be dictated to.

The question was now put on the Chancellor of the Exchequer's amendment, and carried without any division: and then the question being put on Mr. Grattan's Resolution so amended, the House divided,

Ayes for the Resolution	-	-	130
Noes	-	-	71

HOUSE OF LORDS.

Friday, Feb. 13.

A motion was made that the consideration of the Address sent from the House of Commons should be postponed to Tuesday.

The *Lord Chancellor* urged the necessity of deferring the question of the Regency till Tuesday, as England had not yet decided on that important subject, and it would be rather premature in Ireland to determine, before we knew what was the executive power in England, which ought by law to be the same with that of Ireland.

Lord *Bellamont* deduced from several statutes, that the Crown of Ireland, and that of England, were, and ought to be, always vested in one and the same person. He proved, that nevertheless the people of Ireland had an undoubted right to choose whoever they pleased for their Regent, in consequence of the mutual independence of the two kingdoms. He, however, was satisfied, that there was no person more proper to support that trust than the Prince of Wales; but as we had no authority to be certain that the Prince would accept the Regency of Great Britain, and if he should refuse it, which was a case that could be easily supposed, what situation would Ireland be in, if she proceeded without consideration in too hasty a manner? The Great Seal of England would be independent of the Irish Regent, and so our bills could never be passed, without the consent of the Irish Regent, and of the English Regent too, if they should happen to be different persons.

The Duke of *Leinster*, Lords *Farnham*, *Donoughmore*, and *Dunsany*, and the *Archbishop of Cashel*, wished to proceed without delay.

Lord *Earlsfort* declared, as Chief Justice of the country, he was called upon for an opinion, and said, that the Heir Apparent should enjoy the privileges of prerogative in the most unqualified manner, without restrictions or limitations; but in the shape the Address of the Commons of Ireland appeared, it

was his opinion, that the Address was premature, unwarrantable, and illegal ; because, it did not appear by any proof whatsoever that a Regent had been appointed in England ; and as the Crowns of England and Ireland were inseparably united in one person, it was therefore unwarrantable to dispose of the Royal authority, and elect any person with the powers of a King, before the demise of a lawful Sovereign had taken place ; the necessity of the case, however, required, that a Regent or temporary substitute should be appointed ; but while there are any hopes of his recovery, or a shred of lawful authority remaining, he said, that, for his part, he would guard the rights of the Sovereign, to whom he had sworn solemn allegiance ; and he was of the firm opinion, that the present Address was illegal, because there were two Acts of Parliament existing, that provided a remedy for supplying any defect which might occur, which were an Act of the 24th of George the Second, and the 5th of his present Majesty. His Lordship then went into a most affecting lamentation of his Majesty's state of health, but formed the strongest and most ardent hopes of his Majesty's recovery, and made a beautiful conclusion from the words which Shakespeare puts into the mouth of Lord Chief Justice Gascoign, to Henry the 5th, where he calls forth the affection of the son, and the duties of the Heir Apparent. On the whole, he expressed himself strongly for the unrestricted power of the Prince as Regent ; but he was of opinion, the present proceedings were hasty and informal.

The Earl of *Glandore* said, the question was of such importance, involved in it considerations of such magnitude, and tended to consequences so likely to affect the nature of that connection which subsisted between this Kingdom and Great Britain, and upon which every establishment in this Country did depend, that before they proceeded to vote the Address, which was sent up from the Commons, it was incumbent on them to examine, with temper and with caution, how far they were warranted to adopt such a measure, conformably to the principles of the Constitution, to the several Statutes explanatory of it, and to the practice of their Government ; that
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in all their proceedings, they should ever keep in view those great and leading principles. It was that which must deeply interest every man who thought the connection with Great Britain a benefit to this country, but chiefly, and above all, the illustrious personage who was the object of that Address, he was peculiarly concerned in maintaining the unity of that Crown he was destined to wear, and the indissoluble connections of those kingdoms he was born to govern. If he understood any thing of the nature of that relation which this Country bore to Great Britain, it was this:—the Kingdom of Ireland, though possessing a distinct and independent Legislature, yet in respect of its sovereignty, it held of the Crown of England, and not of the person of the King, was inseparably annexed to that Crown by the Statute the 33d Henry VIII. and further declared to be so by the Act of the 1st of William and Mary, which recognized their Majesties title; and in the contemplation of the law and the Constitution, it had always been considered, without derogating from the independence of its Parliament (he believed he was warranted in making use of the expression), as being a part or parcel of the dominions of the Imperial Crown of England; he meant that the Crown of England did include the Crown of Ireland; in this respect differing essentially from the relation in which Scotland stood to England before the Union; the Kingdom of Scotland was a separate Imperial Crown; there the connection was merely accidental, the Crown of England having devolved upon the head of the King of Scotland, their only connection consisted in their having one common Sovereign, in like manner as England and Hanover have at this day; but so feeble and precarious was such a bond of connection, that it was now fairly matter of speculation, whether, if the Union had not taken place, the Crowns of England and Scotland would not at this day be placed upon different heads; for the Scottish Parliament had repeatedly refused to limit the succession of their Crown to the Princess Sophia, the next Protestant heir of the Royal line; nay, they had expressly provided, in their Act of Security, that the Crowns of England and of Scotland

should not be worn by the same person, upon the eventual demise of the Queen. Foreseeing this, and alarmed at the consequences of having a separate independent Kingdom governed by its own Sovereign, revived within the island, those great Statesmen, Lord Godolphin and Lord Cowper, co-operating with the Duke of Queensberry and other distinguished characters in Scotland, who entered into the same views, brought about that great work of the Union, a measure unnecessary, at least with respect to the succession to the Crown, had Scotland stood to England in the same manner as Ireland now did. Their business was not now to reform the Constitution; their duty in the present exigency, was to act upon it, such as it was acknowledged and defined; and so long as the Act of the 10th of Henry VII. remained upon the Statute Book, and was part of the law of this land, it was impossible they could adopt the measure which had been proposed, without departing essentially from the principles of the Constitution; that Act was thought to be of such high importance, that not long since, in the year 1782, the æra of the liberties of Ireland, when in certain respects, wherein it was considered, and justly considered, as intrenching upon the privileges of the two Houses of Parliament, it was so far forth modified and explained, that the main object of that law, which declared it to be indispensable, that before a Bill could receive the Royal Assent here, it should be sent back certified under the Great Seal of England, that part of it was untouched, was confirmed. What then were they now called upon to do? To vote an Address to his Royal Highness the Prince of Wales, to assume the Regency of this Kingdom before they had any authority to know that his Royal Highness was invested with that power, which could enable him to administer the Government; for until he had authority to direct the use of the Great Seal of England, he could neither grant a commission for giving the Royal Assent to a Bill here, nor appoint a Lord Lieutenant of Ireland. That his Royal Highness the Prince of Wales was the only proper person to fill the high office of Regent of Great Britain and Ireland during the incapacity of the King,

was

was a truth to which no man in this nation could be more ready to assent than he was ; and with respect to what had engaged the attention of other great assemblies, who had been discussing questions of right and abstract propositions, had they proceeded to the exercise of that right which they asserted to belong to them, and chosen any other person than his Royal Highness the Prince of Wales, the Heir Apparent to this hereditary Monarchy, to be Regent of Great Britain, it might have been attended with such consequences with respect to this Kingdom, as would have amounted to a separation from Great Britain, and a revolution in the State ; but though there was but one opinion amongst them, that his Royal Highness the Prince of Wales was the only proper person to fill this high station, yet let them be governed in their proceedings by the laws of the land, and the principles of the Constitution ; above all things keeping in view that great and capital feature of it, that the Kingdom of Ireland held of the Crown of England, and not of the person of the King. Abandon this principle, and what became of the settlement at the Revolution ? The Parliament which King James the Second held in this Kingdom, when he sat on that Throne, was then a legal Parliament, and all the attainders which passed in it were law. From the clearest and fullest conviction, that any proceedings on the part of this country, which should in any degree militate against those known and established principles, must be attended with consequences the most ruinous and pernicious to the State, he must give his vote for postponing the consideration of the Address. With respect to the illustrious Prince who was the subject of it, he was bold to assert, there was not a man in either Kingdom who entertained higher sentiments of duty and attachment to him than he did, inferior only to those sentiments of loyalty and allegiance which he owed to the King his Father ; and whilst he offered his most ardent wishes, that his Royal Highness's Government might be successful and glorious, he would not forego the flattering hope, that the happy day might at length arrive, when it would please God to restore that most virtuous and paternal Monarch to the wishes and prayers of his

subjects ; he could have no motive of private consideration to influence his conduct upon this occasion ; the part which he now took, if report were true, was not that which was likely to recommend him to those who it was expected were soon to be appointed to situations of power ; nor had he, on the other hand, the motives of gratitude to sway him ; for to the present Administration he owed no obligation ; but if it were true, that one self-approving hour could fully compensate for all the rewards which power or popularity could bestow, he should rest satisfied in the consciousness of having discharged his duty, as a Member of that House, and a subject of this country, in supporting those principles, from which if they departed, he had the fullest conviction they should thereby give a shock to the Constitution, and materially alter the nature and frame of their Government.

He was followed by Lords *Hillsborough* and *Tyrone* ; at last there appeared on a division,

Contents for postponing,	20
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Not Contents,	40
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A long conversation took place, whether proxies should be admitted, as it was said this was a Convention and not a Parliament ; but this was at last given up, and there appeared

Content Proxies,	6
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Not Content,	3
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The House then went into a Committee on the State of the Nation, Lord Ranelagh in the Chair.

Monday, February 14.

The Committee on the State of the Nation was resumed, when Lord Charlemont moved, That the words ‘ Lords Spiritual and Temporal’ should be inserted in and make a part of the Address passed by the House of Commons to his Royal Highness the Prince of Wales, to assume the office of Regent, and

to exercise the Royal Authority in Ireland during the continuance of his Majesty's disorder.

The Earl of *Glandore* said, having so lately troubled their Lordships with his sentiments upon this great question, he should now trespass upon the attention of the House but with a very few words. This measure appeared to him, in every point of view in which it could be considered, as so contradictory to the principles of the Constitution, and to go so directly in opposition to what was prescribed by those statutes upon which their government had been hitherto conducted, that it well deserved the most mature deliberation, before it should receive the sanction of their Lordships concurrence; for it was one of the high and peculiar functions which the Constitution had assigned to that House, to correct and qualify the proceedings of the other House of Parliament, when rashly or unadvisedly taken; and for them at that moment to join in voting an Address to his Royal Highness the Prince of Wales, to assume the Regency of this kingdom, before they had any authority to know that he was invested with that power which could enable him to administer the Government, carried with it such an appearance of levity, as was neither suited to the wisdom of the two great Assemblies from which it proceeded, nor to the dignity of the august Personage to whom it was intended to be conveyed; for until his Royal Highness should have authority to direct the use of the Great Seal of England, he could not comply with the prayer of their Address. In a late debate, he had alluded to the Parliament which King James II. held in this kingdom. Let them look to what was then the order of their proceedings: the very first step they took was to bring in a Bill for the repeal of Poyning's law, well aware that this was a necessary preliminary to their future proceedings. If, then, what was aimed at, was to establish a Government independent of the Crown of England, they were beginning at the wrong end. They should first clear the way, by bringing in a Bill to repeal the statute of 10th Henry VII.; and how was that to be accomplished? Where should they find a Lord Chancellor of Great Britain who would put the
Great

Great Seal of England to a Bill for the repeal of Poyning's law? Most certainly not the great man who now filled that high station, not more eminent for his great abilities, than for his fidelity and attachment to his Sovereign. But he would suppose a Chancellor the very reverse of him, or of his much respected and noble Friend upon the woolfack. Supposing a Chancellor the very reverse of these, it would be in vain to expect that, under the present circumstances of the Sovereign Authority, he should put the Great Seal of England to a Bill for the repeal of Poyning's law, because nothing less than his personal safety would be concerned; for it would most unquestionably be made the foundation of a parliamentary impeachment, which most probably would end in the loss of his head. In short, notwithstanding all that had been said to the contrary in other places, all the declamations which had been made upon that popular theme of perfect independence, the fact was, that under the actual and existing Constitution of this kingdom, it was utterly impracticable that the functions of the Regal Office should be exercised for Ireland by any other person than him who was at the same time Regent of Great Britain; and when, in a former debate, he said, that had the Parliament of Great Britain proceeded to the exercise of that right which might have been attended with such consequences with respect to this kingdom, as might have amounted to a separation from Great Britain, and a revolution in the state, he meant that, considering the predilection in this country for the Heir Apparent of the Monarchy (a laudable predilection, and which nobody wished more to be cherished, than he did), they might resist by force the Government of such a Regent here; and therefore, when the Parliament of Great Britain were engaged in this important business, it was a circumstance worthy of their consideration, to take care to appoint such a Regent as should be acceptable to the Parliament and people of Ireland.

He hoped he was as good a friend to the Constitutional Independence of the Parliament of his country as any man
who

who heard him ; at least he meant to be so : but he was not so ignorant of the Constitution, and of history, as not to know that there were certain acts which the Parliament of Great Britain could do, to which the Parliament of Ireland were not competent. It was declared by the Bill of Rights, that the King, Lords, and Commons of England could alter the succession to the Crown ; it was a right which they had exercised, and under it the Brunswick Kings derived their title. But he never heard it asserted, or pretended, that the King, Lords, and Commons of Ireland could alter the succession to the Crown ; on the contrary, they were bound to acquiesce in such a disposition of it, as the King, Lords, and Commons of Great Britain should make. Therefore, upon a review of the bearings of this relation between the two kingdoms, it did by no means derogate from the independence of the Parliament of Ireland to every purpose of legislation, to say that there were certain lengths to which it could not proceed. When the proper period should arrive, no man would be more zealous to pay every tribute of duty, loyalty, and respect to his Royal Highness the Prince of Wales than he should. His only wish was, that when in the course of nature it should devolve to him, he should receive the Imperial diadem surrounded with all its splendor, power, and inherent stability, such as it was worn by his Father ; and that it might be transmitted from his Royal Highness to the remotest posterity whole and unimpaired.

At half past twelve o'clock the House divided,

Contents	—	40
Proxies	—	5
		— 45
Not Contents	—	20
Proxies	—	6
		— 26
		—
Majority against the Castle		19

The following is a list of the Irish Peers who voted for and against the Adjournment :

For

For the Adjournment.

Archbishop of Dublin
 Bishops Ossory
 Kilmore
 Leighlin and Fernes
 Earls Tyrone
 Hillsborough
 Mornington
 Lanesborough
 Courtown
 Bedliffe
 Bellamont
 Glandore
 Carhampton
 Viscounts Valentia
 Ranelagh
 Inniskellen
 Erne
 Lifford
 Chetwynd
 Longford
 Carysfort
 Conyngham
 Mountmorres
 Earlsfort
 Arden.

Against it.

Archbishop of Cashell
 Tuam
 Bishops of Clonfert
 Killaloe
 Cloyne
 Waterford
 Duke of Leinster
 Lords Charlemont
 Mount Cashell
 Portarlington
 Grandison
 Dunsany
 Wells
 Pery
 Castle Stewart
 Shannon
 Strongfort
 Allen
 Muskerry
 Loftus
 Donoghmore
 Leitrim
 Farnham
 Kingsale
 Meath
 Roden
 Drogheda
 Clanbrassil
 Louth
 Arran
 Miltown
 Ross
 Clanwilliam
 Aldbrough
 Mount Garret
 Desart
 Doneraile
 Granard
 Belvidere.

Tuesday, February 17.

As soon as prayers were read by the Bishop of Ossory,

The Earl of *Carrick* took the oaths and his seat, an event that would have happened yesterday, but that his Lordship's patent could not be got from the Hanaper Office.

Two of the Masters in Chancery were sent down to the Commons, to inform them, that this House had agreed to the Resolution and Address sent up, with an Amendment.

The Yeoman Usher gave notice of a message from the Commons, who, on being admitted, the Right Hon. Thomas Connolly, from the Bar, acquainted the House, that the Commons had agreed to the Amendment in the Address; on which

The Duke of *Leinster* moved, "That the Address of the two Houses of Parliament to his Royal Highness the Prince of Wales, to take upon him the Regency of this kingdom, be presented to his Excellency the Lord Lieutenant for transmission."

The motion being agreed to, his Grace also moved, "That the Lord Chancellor do wait on the Lord Lieutenant, to know when he will be waited upon with this Address."—Ordered accordingly, and that the Lord Chancellor report his Excellency's Answer to the House.

Friday, February 20.

The Duke of *Leinster* moved, "that as his Excellency the Lord Lieutenant had declined transmitting the Address of both Houses of Parliament to his Royal Highness the Prince of Wales, Commissioners be appointed from this House to carry the said Address to his Royal Highness."

Lord *Mountmorres* informed the House, that since he had lost the honour of addressing their Lordships, he had been lucky enough to find an instance of an Address being proposed by this House to be sent by Commissioners, though the case did not apply to the present; this was on a Motion of Lord Darnley, in 1737, to address the late Frederick Prince of Wales on the birth of his eldest son, his present Majesty,

which

which had been negatived ; indeed his Lordship, the proposer, stood single. His Lordship then entered into a defence of the Marquis of Buckingham's conduct in refusing to transmit an Address to a fellow subject, such as the Prince undoubtedly was. If, continued he, this Address should be sent at all, it should be by way of letter ; which is the mode hitherto practised by your Lordships when you have addressed Lord Heathfield, and other distinguished commanders, by land and sea, who have served their country. His Lordship then adverted to the Address itself, particularly the title it gave to the Prince of Wales, Prince Regent ! two substantives without a disjunctive, where the title of dignity is put first ; it was unprecedented. The Emperor of Germany, who is also a King, is not styled the King Emperor ; and the Duke of Orleans was styled simply Regent of France, not the Duke Regent, &c. As, therefore, his Lordship had objected on a former day to the Address itself, so he should this day to its transmission ; for which reason he moved,

“ That the farther consideration of the Motion be adjourned to the first of October next.”

Lord *Earlsfort* would not, after the sentiments of the House had been declared by such decided majorities, give a peevish opposition to the further progress of this business ; yet lest his silence should be misconstrued into an acquiescence with it, he must oppose the original Motion.

The Earl of *Carhampton* expected a Motion would have been made, first to consider of the mode most proper for conveying the Address, before Commissioners were mentioned. How many Commissioners are there to be ? What instructions are they to receive ? What expences are they to incur ? Are they to be considered as postmen or letter-carriers ? I wish the noble Duke who made your Lordships this Motion would, as the vulgar phrase is, let the cat out of the bag.

Your Lordships, continued he, have been told, that this Address, without a Bill, cannot invest the Prince with the powers of Regency. Are your Commissioners to tell the Prince so, and that a Bill is to follow ? But suppose such a

Bill

Bill afterwards does not pass, and that his Majesty immediately recovers, what is to be done?

The Earl of *Portarlington* declared, that the objections he heard should have been made in the first instance. As to the recovery of his Majesty, it was a doubtful matter; Charles the Sixth of France was afflicted with a malady similar to that of his Majesty, which, though with several intervals, lasted for thirty years; as to the unhappy one which afflicts our Sovereign, we have no authentic documents that can in the least warrant us to stop our proceedings.

The Earl of *Farnham* made some observations on Lord Mountmorres's speech, which, he said, strayed from the object in debate. A Bill had been mentioned; but if we followed the example of Great Britain, their Lords and Commons first addressed the Prince, and then brought in a Bill.

Lord *Mountmorres* gave an historical detail of the Commissioners sent by this House to Great Britain in 1661, for the settlement of landed property, then at issue, through the various claims set up by adventurers and others.

His Lordship again adverted to the impropriety of the Parliament of Ireland's addressing a fellow-subject, for such was the Prince of Wales, though confessedly the first subject in the realm; and such did the greatest Prince of Wales we ever had (Edward the Black Prince) consider himself, when he took the trophy in the victorious field of Poitiers, and adopted its motto, *Ich dien*, which is translated, *I serve*.

The Earl of *Bellamont* spoke against the original motion, and for its adjournment.

The Yeoman Usher informed the House, that there was a message from the Commons. The messenger being admitted, the Right Hon. Mr. Conolly delivered at the Bar the message, which was a Resolution of the House of Commons, "That as his Excellency the Lord Lieutenant had declined to transmit the Address of both Houses to his Royal Highness the Prince of Wales, Commissioners be appointed to

carry

carry the same to his Royal Highness ;” in which Resolution they requested their Lordships concurrence.

The *Lord Chancellor* having put the usual Question, “ That the Messengers be acquainted that an answer would be sent by the Messengers of this House,” a tedious and desultory debate arose on the point of order, whether the message should be read by the Chancellor before he dismissed the Messengers, or not.

Three hours being nearly spent in this business, the Messengers were at last dismissed, and the Message being read by the Chancellor, the debate on the Duke of Leinster’s Motion and Lord Mountmorres’s previous question, was resumed.

The Earl of *Carhampton* repeated his objections, and was again answered by the Earl of Farnham.

The Earl of *Tyrone* declared, that nothing which he had heard had in the least altered his opinion respecting the impropriety of the Address, which at one stroke conferred the Regency on the Prince, and all the powers of Royalty, without the sanction of law.

The *Lord Chancellor* said, that a Bill had indeed been mentioned as a matter intended ; but was there a word of it in the Address, or the most distant inuendo of such a matter ? What will his Royal Highness the Prince of Wales say to the Commissioners who shall present him with this Address ?— “ You desire me to take upon me the Regency of Ireland, without an Act of Parliament to empower me to exercise it.” Will your Commissioners dare to promise for the Parliament of Ireland, that an Act shall be passed for the purpose ? I cannot concur in such absurdities ; I shall therefore vote for the noble Viscount’s motion, to adjourn the consideration of this business to the first of October ; let it sleep till then, and we perhaps, when that time comes, may be of one opinion.

Lord *Valentia* declared, that the Address intrenched on the compact between this kingdom and Great Britain, and was in the highest degree disrespectful to his Majesty. His Lordship concluded with saying, that he was of no party, and so far from

from having reasons to be attached to the present Ministry, he was under many *disobligations* to them.

The question on Lord Mountmorres's motion, for adjourning the consideration of the Duke of Leinster's motion, to the first of October, being put, the House divided,

Contents,	—	17
Proxies,	—	4
		—21
Not Contents,	—	34
Proxies,	—	6
		—40
		—

Majority against the motion of adjournment, 19

The question was next put on the Duke of Leinster's motion, to appoint Commissioners, when, as before, there appeared,

Contents,	—	34
Proxies,	—	6
		—40
Not Contents,	—	17
Proxies,	—	4
		—21
		—

Majority, — 19

The Earl of *Portarlington*, after a few observations on the necessity on so important an occasion, to nominate noblemen of the highest rank and character, moved,

“ That his Grace the Duke of Leinster, and the Right Hon. the Earl of Charlemont, be appointed Commissioners from the House to carry over the Address to his Royal Highness the Prince of Wales.”

After a few remarks from the Earls of Bellamont and Carhampton, in which the latter wished the noble Lords were going on a better errand, the motion of Lord Portarlington passed without a division.

Lord *Donoughmore* then moved, “ That the House do agree with the message from the House of Commons.”

The question being put, it passed without a division.

Lord *Donoughmore* then moved, “ That a message be sent down to the Commons by two Masters in Chancery, to acquaint them of the concurrence of this House with their message; and also to acquaint them, that this House has appointed his Grace the Duke of Leinster, and the Earl of Charlemont, as its Commissioners, to carry the Address to his Royal Highness the Prince of Wales.”

Ordered accordingly.

P R O T E S T

Of the Irish LORDS against the ADDRESS to His Royal Highness the PRINCE of WALES.

DISSENTIENT,

1st. Because the Address in question to his Royal Highness the Prince of Wales, is an Address, requesting that he will be pleased to take upon him the Government of this Realm in such manner as is therein mentioned, and to exercise and administer, according to the Laws and Constitution of this Kingdom, all Royal Powers, Jurisdiction, and Prerogatives to the Crown and Government thereof belonging, without any Law or Authority whatsoever that we know of, authorising him so to do.

2dly. Because we are apprehensive that the said Address may be construed to be a measure tending to disturb and weaken that great Constitutional Union, whereby, as fully declared, enacted, and specified in sundry Acts of Parliament in this kingdom, this Realm of Ireland is for ever united and knit to the Imperial Crown of England, and as a member, appending and rightfully belonging thereto.

3dly. Because, although in every sentiment of duty, affection and respect, towards his Royal Highness, we hold ourselves equal to, and will not be exceeded by, any of those who join in the said Address, or by any other person whatsoever; and

are,

are, and ever shall be, ready to lay down our lives and fortunes in the support and maintenance of the just Rights of our most Gracious Sovereign, and of every branch of his Royal and August Family : we cannot pay any compliment to his Royal Highness, or to any one, at the expence of what we consider as great Constitutional principles ; and we cannot (for such are the workings of duty, affection and respect in our breasts) join in the said Address, which may, as we are apprehensive, bring difficulty and embarrassment upon his Royal Highness, already too much oppressed by the great calamity which hath befallen our most Gracious Sovereign, his Royal father.

(SIGNED)

LIFFORD, C.	VALENTIA.
R. DUBLIN.	MORNINGTON,
HARBERTON.	By Proxy,
LONGFORD.	COURTOWN,
BECTIVE	By Proxy.
CHETWYND.	G. L. KILMORE.
HILLSBOROUGH.	RANELAGH.
ALTAMONT,	MOUNTMORRES.
By Proxy.	

DISSENTIENT,

For the second reason in the foregoing Protest ;

And also, because, feeling every sentiment of duty, respect, and attachment to his Royal Highness the Prince of Wales, and thinking him the only proper person to be appointed to this high station, I consider, that to address his Royal Highness to accept the Regency of this Kingdom, before we have any authority to know that he is as yet appointed Regent of Great Britain, is inviting him to assume a power which, under the actual and existing Constitution of Ireland, he cannot exercise, in as much, as by statute 10th of Henry VII. no Bill can receive the Royal Assent here, that is not certified from Great Britain under the Great Seal of England, and until his Royal Highness shall have authority to direct the use of that Great Seal, he cannot discharge the functions of the regal

office for Ireland; it being impossible, according to the Laws and Constitution of this Kingdom, that any person should be Regent of Ireland, who is not, at the same time, Regent of Great Britain.

GLANDORE.

DISSENTIENT,

1st. Because, with an anxious desire that the Regency of this kingdom, during his Majesty's indisposition, should be conferred on his Royal Highness the Prince of Wales in a manner most expressive of respect and affection to his Royal Highness, and convinced that his Royal Highness will think that mode of appointment most expressive of duty and affection, which is constitutional, and must conduce to preserve the connection between Great Britain and Ireland inseparable, we consider an Address of the two Houses of Parliament, purporting, of its own authority, to confer Royal power, at a time when they are fully competent to pass a Bill for the purpose of effectually providing for the exercise of the same, to be a most dangerous violation of the fundamental principles of the Constitution.

2^{dly}. Because the connection between Great Britain and Ireland (on which the safety of the Constitution in church and state depends) is preserved and maintained by the unity of the executive power alone; and yet the Address proposed by the Resolution now passed, is to appoint his Royal Highness Regent of Ireland without our being certain that his Royal Highness is, or will be, Regent of Great Britain; and without making any provision, that his Royal Highness shall not continue to be Regent of Ireland longer than he shall be Regent of Great Britain: thus exposing to *chance* and accident the preservation of the only bond of *that* connection between the *countries*, upon which all that is dear to us depends, and making a precedent that may be of the most fatal consequence to posterity.

TYRONE.

WM. OSSORY.

WM. LEIGHLIN AND FERNS.

BELLAMONT.

DISSENTIENT,

For the first reason in the Protest immediately preceding;

And also, Because we consider, that if by virtue of this Address alone his Royal Highness the Prince of Wales shall take upon himself the regal powers of this kingdom, his Royal Highness will by such assumption be drawn in to decide upon an important Constitutional question, equally affecting Great Britain and Ireland.

And also, Because we consider these words in the Address, “and no longer,” as unnecessary, and at the same time disrespectful to the Prince of Wales, tending to convey an idea that this country can confer, or that the Prince might continue to hold over the powers of a Regent for a longer time than the continuation of the King’s indisposition incapacitated his Majesty from being restored to the full exercise of the powers appertaining to the Crowns of Great Britain and Ireland.

CARHAMPTON.

CONYNGHAM.

TO HIS ROYAL HIGHNESS
GEORGE PRINCE OF WALES.

The humble Address of the Lords Spiritual and Temporal, and Knights, Citizens, and Burgeſſes, in Parliament aſſembled.

“ May it please your Royal Highness,

“ We, his Majesty’s most dutiful and loyal subjects, the Lords Spiritual and Temporal, and the Commons of Ireland, in Parliament assembled, beg leave to approach your Royal Highness, with hearts full of the most loyal and affectionate attachment to the person and government of your Royal Father, to express the deepest and most grateful sense of the numerous blessings which we have enjoyed under that illustrious House, whose accession to the Throne of these realms

has

has established civil and constitutional liberties upon a basis which we trust will never be shaken ; and at the same time to condole with your Royal Highness upon the grievous malady with which it has pleased Heaven to afflict the best of Sovereigns.

“ We have, however, the consolation of reflecting, that this severe calamity hath not been visited upon us, until the virtues of your Royal Highness have been so matured as to enable your Royal Highness to discharge the duties of an important trust, for the performance whereof the eyes of all his Majesty’s subjects of both kingdoms are directed to your Royal Highness.

“ We therefore beg leave humbly to request, that your Royal Highness will be pleased to take upon you the government of this realm, during the continuance of his Majesty’s present indisposition, and no longer ; and under the style and title of Prince Regent of Ireland, in the name and on the behalf of his Majesty, to exercise and administer, according to the laws and constitution of this kingdom, all regal powers, jurisdictions, and prerogatives, to the Crown and Government thereof belonging.”

*The following is the ANSWER of the PRINCE OF WALES
to the IRISH COMMISSIONERS.*

“ My Lords and Gentlemen,

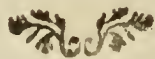
“ The Address from the Lords Spiritual and Temporal and Commons of Ireland, which you have presented to me, demands my warmest and earliest thanks. If any thing could add to the esteem and affection I have for the people of Ireland, it would be the loyal and affectionate attachment to the person and government of the King, my father, manifested in the Address of the two Houses.

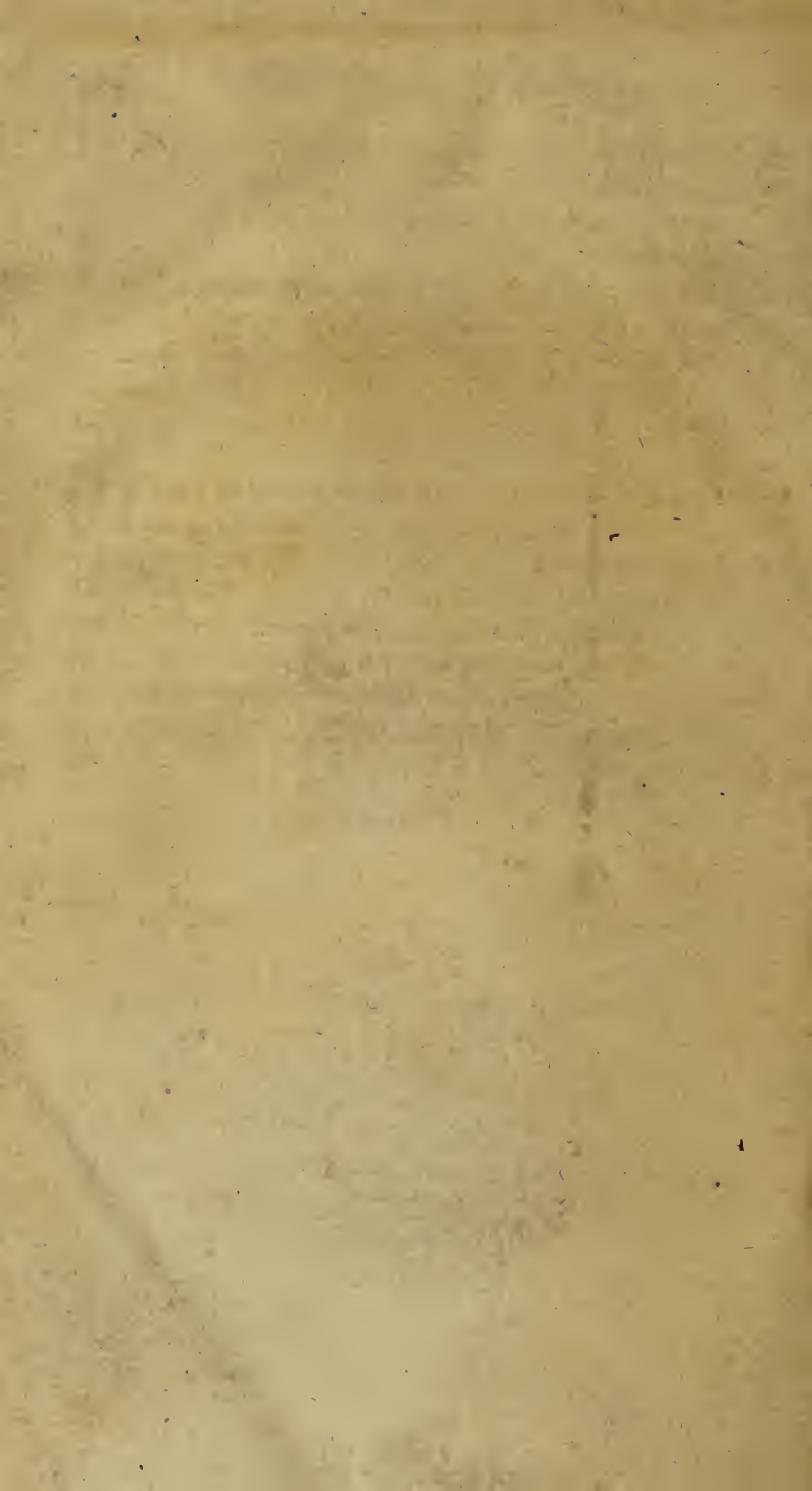
“ What they have done, and their manner of doing it, is a new proof of their undiminished duty to his Majesty, of their uniform attachment to the House of Brunswick, and their constant attention to maintain inviolate the concord and connection between the kingdoms of Great Britain and Ireland,

so indispensably necessary to the prosperity, the happiness, and the liberties of both.

“ If in conveying my grateful sentiments on their conduct, in relation to the King my father, and to the inseparable interests of the two kingdoms, I find it impossible to express adequately my feelings on what relates to myself, I trust you will not be the less disposed to believe that I have an understanding to comprehend the value of what they have done, an heart that must remember, and principles that will not suffer me to abuse their confidence.

“ But the fortunate change which has taken place in the circumstance which gave occasion to the Address agreed to by the Lords and Commons of Ireland, induces me to delay for a few days giving a final answer, trusting that the joyful event of his Majesty's resuming the personal exercise of his Royal Authority, may then render it only necessary for me to repeat those sentiments of gratitude and affection to the loyal and generous people of Ireland, which I feel indelibly imprinted on my heart.”





—
J. H. H. H. H.

